

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

2 **RICHARD KILGORE,**
3 Appellant/Respondent,
4 **vs.**
5 **ELENI KILGORE,**
6 Respondent/Cross-
7 Appellant.

 } Case No.: 73977

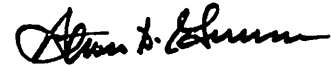
 } District Court Case No. D-1245917 Filed
 } Oct 01 2018 08:32 a.m.
 } Appeal from the Eighth Judicial District
 } Court, the Honorable Cheryl B. Moss
 } presiding Clerk of Supreme Court

8
9 **RESPONDENT/CROSS-APPELLANT'S APPENDIX**
10 **VOLUME 1**

11
12 **FRED PAGE, ESQ.**
13 Nevada Bar No. 6080
14 5940 South Rainbow Blvd.
15 Las Vegas, Nevada 89118
16 (702) 469-3278
17 Attorney for Respondent/Cross-Appellant

INDEX

Date	Paper/Transcript	Volume	Page
2/9/2016	Defendant's Supplemental Exhibits and Supplemental Briefing for the February 9, 2016, Status Check Hearing	1	ROA0000001-ROA000020
11/30/2016	Supplemental Exhibits for December 1, 2016, Return Hearing	1	ROA000021-ROA000028
8/2/2017	Order from March 28, 2017, and June 5, 2017, Hearings	1	ROA000029-ROA000032
8/21/2017	Notice of Entry of Order from March 28, 2017, and June 5, 2017, Hearings	1	ROA000033-ROA000039



CLERK OF THE COURT

SUPE
FRED PAGE, ESQ.
Nevada Bar: 6080
PAGE LAW OFFICE
6145 Spring Mountain Road, Suite 201
Las Vegas, Nevada 89146
Phone: (702) 469-3278
Facsimile: (702) 628-9884
E-mail: fpagelawoffices.com
Attorney for Defendant

DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA

RICHARD KILGORE,

Plaintiff,

vs.

ELINI KILGORE,

Defendant.

CASE NO.: D-12-459171-D

DEPT. NO.: 1

Hearing Date: February 9, 2016

Hearing Time: 1:30 p.m.

DEFENDANT'S SUPPLEMENTAL EXHIBITS AND SUPPLEMENTAL BRIEFING
FOR THE FEBRUARY 9, 2016, STATUS CHECK HEARING

Defendant, ELENi KILGORE. by and through her counsel. Fred Page, Esq., hereby submits her Supplemental Exhibits A and B for the February 9, 2016, status check hearing regarding financial issues as well as supplemental briefing regarding the financial issues. Supplemental Exhibit A is a printout from the Nevada Public Employees Retirement System regarding the retirement benefits to which Plaintiff is entitled and for which Defendant is being denied her right to receive her community property as required by *Sertic v. Sertic, infra* and by the terms of the Qualified Domestic Relations Order signed by Plaintiff, approved by PERS, and filed with the Court.

1 Supplemental Exhibit B is an arrears schedule of the retirement payments that Plaintiff
2 should have been paying to Defendant upon his first eligibility for retirement as required by
3 *Sertic, infra*, the Qualified Domestic Relations Order (hereinafter "QDRO"), and the Nevada
4 Family Law Practice Manual.

5 DATED this 24 day of February 2016

6
7 PAGE LAW OFFICE

8 

9 FRED PAGE, ESQ.

10 Nevada Bar No. 6080

11 6145 Spring Mountain Road, Suite 201

12 Las Vegas, Nevada 89146

13 (702) 469-3278

14 Attorney for Defendant

15 **POINTS AND AUTHORITIES**

16 **A. Nevada Public Employees Defined Benefit Plan**

17 Exhibit A shows that Plaintiff was first eligible to retire at age 50 as under police/fire
18 employees are first eligible to retire at age 50 with 20 years of service . Plaintiff turned age 50
19 on April 20, 2011. According to the Nevada Public Employee's Retirement System print out
20 that is part of Exhibit A, Plaintiff's retirement allowance at the time of retirement was \$5,228.03.

21 Per the terms of the Qualified Domestic Relations Order, Defendant was entitled to one-
22 half of her time rule share. Plaintiff, per his Financial Disclosure Form filed May 4, 2015,
23 commenced service with the City of Las Vegas on April 18, 1989. Plaintiff, per his Financial
24 Disclosure Form, was terminated by the City of Las Vegas on October 13, 2014. Based upon the
25
26
27
28

1 figures given by Plaintiff ten months ago, he was employed with the City of Las Vegas for 293
2 months.¹

3 Defendant and Plaintiff were married to each other on December 15, 1992. Defendant
4 and Plaintiff were divorced from each other on March 13, 2013. The total number of months of
5 marriage for Defendant and Plaintiff is 267 months.²

6 Under the time rule formula as set forth in *Gemma* and *Fondi* (citations omitted),
7 Defendant would be entitled to 45.56 percent of the monthly retirement benefit.³ As indicated,
8 the monthly retirement benefit is, according to PERS \$5,228.03 per month. Defendant's
9 community property share is \$2,382.05 per month.
10

11 Retirement benefits are property awards not alimony. Per *Sertic v. Sertic*,⁴ Defendant
12 was and is entitled to begin receiving her share of her community property upon Plaintiff's first
13 eligibility for retirement. This is black letter law. In *Sertic*, the Supreme Court ordered that the
14 "normal distribution of a spousal share of a retirement is to be upon first eligibility for
15 retirement, and that if a worker does not retire at first eligibility, *the worker must pay the spouse*
16 *whatever the spouse would have received if the worker did retire at that time." (Emphasis
17 added).
18
19
20*

21
22 ¹ 2013 minus 1990 is 23 years or 276 months (12 months x 23 years). Plaintiff was employed by the City of Las
23 Vegas for 7 months in 1989 (Plaintiff commenced employment April 18, 1989). Plaintiff was employed by the City
of Las Vegas for 10 months in 2014. Adding 276 months plus 7 months and 10 months give a total of 293 months
of creditable service.

24 ² Rounding up to January 1, 1990, as the start date for the marriage through December 31, 2012, is 22 years.
25 Multiplying 22 years times 12 months gives 264 months. The Decree was filed March 13, 2013, giving three more
months for the marriage. The total months of the marriage would then be 267 months (264 + 3).

26 ³ 267 months divided by 293 months multiplied by .5 equals .45563 percent.

27 ⁴ 111 Nev. 1194, 901 P.2d 148 (1995)

28 ⁵ Nevada Family Law Practice Manual, 2F.34 (emphasis in the original).

1 In addition to the black letter law stated in *Sertic*, per the terms of the Qualified Domestic
2 Relations Order signed by Plaintiff and filed with the Court, "[Plaintiff] shall make payments
3 directly to the Alternate Payee, of the sum required by this Order, no later than the fifth day of
4 each month until payments from the retirement system to the Alternate Payee commence under
5 this Order." See QDRO at page 3, lines 22-23 (emphasis added). There is no factual dispute.
6 Plaintiff failed to make any of these payments to Defendant. There is no dispute that under law
7 and the terms of the QDRO signed by Plaintiff that took community property that belonged to
8 Defendant.
9

10 All of the above is in accord with the Nevada Family Practice Manual §2F.28. In that
11 section, the Manual states, that in *Sertic* the Nevada Supreme Court "... for the first time clearly
12 stated that normal distribution of a spousal share of a retirement is to be upon first eligibility for
13 retirement, and that if a worker does not retire at first eligibility, the worker must pay the spouse
14 whatever the spouse would have received if the worker *did* retire at that time." (Emphasis in the
15 original).⁶
16

17 According to the documents provided by PERS, Plaintiff was first eligible to retire at full
18 benefits at age 50 because he has completed 20 years of service and because he is police/fire. As
19 indicated, Plaintiff turned age 50 and had 20 years of service on April 20, 2011.
20

21 At a minimum, Plaintiff should have been paying Defendant \$2,382.05 per month since
22 March 2013, through to the present. Attached as Exhibit B, is an arrears calculation of the
23
24
25
26
27

28 ⁶ The holdings in *Sertic* were reaffirmed in *Wolff v. Wolff*, 112 Nev. 1355, 929 P.2d 916 (1996).

1 community property payments that Plaintiff owes Defendant. Through February 9, 2016,
2 Plaintiff owes Defendant \$91,964.53.⁷

3 Plaintiff was put on notice a year ago by Defendant that she was owed her one-half share
4 of her community property and that it needed to be paid to her. Plaintiff has blatantly ignored all
5 attempts by Defendant to have him pay to her, her share of her community property. Defendant
6 requests that the \$91,964.53 owed to her by Plaintiff be ordered turned over to her immediately,
7 that Plaintiff be ordered to begin making monthly payments, or that the amount be reduced to
8 judgment and be made collectible by any and all legal means.

9
10 Defendant further requests that Plaintiff be ordered to commence paying to Defendant her
11 community property of \$2,382.05 per month as of February 2016. Plaintiff has resumed his
12 employment with the City of Las Vegas and is able to do so, notwithstanding the fact that he had
13 to make payments regardless of his employment status. Again, this is what is required by *Sertic*,
14 *supra*, by the terms of the QDRO, and the Nevada Family Law Practice Manual.

15
16 In case Plaintiff is considering bankruptcy to avoid turning over the community property
17 that he owes to Defendant, Plaintiff should be made aware that there are a long line of Nevada
18 Supreme Court cases that prevent him from doing so. In *Martin v. Martin*,⁸ in the Decree, the
19 husband agreed to assume responsibility for Visa charge accounts. The husband then filed for
20 Chapter 7 bankruptcy.

21
22 As a result, the wife was left solely responsible for those debts. Because she was now
23 responsible, the wife filed for spousal support. The district court granted the wife's request for
24

25
26 ⁷ Defendant can make a claim that she is entitled to her share of the community property that was never paid to her
27 when the parties separated because she was no longer receiving any of the income earned by Plaintiff as he was
28 keeping all of that to himself. If that is the case, then Plaintiff will owe Defendant considerably more.

⁸ 108 Nev. 384, 832 P.2d 390 (1992)

1 support. The district court specifically found that the husband's promise to hold the wife
2 "harmless" was an obligation "characterized as in the nature of alimony, maintenance and
3 support," and that the wife "would have been inadequately supported" without it. The district
4 court ordered the husband to pay to the wife the amount of the debts he agreed to be responsible
5 for in the decree, but tried to discharge in bankruptcy. The Supreme Court affirmed. The Court
6 found the debt payment language qualified as maintenance or support, since without it the
7 "spouse would be inadequately supported."

9 In *Siragusa v. Siragusa*,⁹ the parties were divorced September 1983. The decree
10 incorporated the parties' property settlement agreement, which provided that the husband make
11 alimony payments of \$3,000 per month for 60 consecutive months, and that the husband would
12 purchase the wife's community property interest in the medical practice for \$1.25 million. In
13 November 1987, the husband filed a Chapter 7 petition for bankruptcy. His property settlement
14 obligation was discharged but his alimony obligation was not. The wife filed motion to modify
15 the alimony provisions of the decree, due to the fact the husband's income had increased
16 substantially since the original decree and that the discharge of the property settlement obligation
17 in bankruptcy had negatively affected the wife's financial position. The husband's alimony
18 obligation was increased to include the property settlement he discharged.

21 The Supreme Court affirmed. The Court held that attempting to discharge of a property
22 settlement obligation in bankruptcy may be taken into account in determining whether the
23 parties' circumstances have changed sufficiently to justify a modification of alimony. The Court
24 looked to the Supremacy Clause, but found no preemption of state law permitting alimony
25 modification "to compensate the wife for the discharged obligation."

28 ⁹ 108 Nev. 987, 843 P.2d 807 (1992)

1 In *Allen v. Allen*,¹⁰ the husband and wife entered into an oral property settlement; the wife
2 waived child support, and the husband agreed to pay certain debts and pay \$16,250 to the wife to
3 equalize the division of community property. The agreement was made during a settlement
4 conference held by the district court judge, but was not reduced to writing for a year, when the
5 court entered a divorce decree *nunc pro tunc* adopting the agreement.
6

7 In the interim, the husband had filed for bankruptcy, and was released from most of the
8 financial obligations. The wife appealed, claiming that the husband's bankruptcy defrauded her
9 out of her half of the community property. The wife moved to set aside the decree based upon
10 fraud and upon the injustice inherent in enforcing the agreement. The district court denied the
11 motion to set aside the decree on the ground that the relief was "barred by federal law."
12

13 The Supreme Court reversed. The Court held that there was nothing in bankruptcy law
14 that would prevent the court from setting aside the decree or from hearing matters relating to
15 spousal support and community property disposition on their merits. The Supreme Court makes
16 its position fairly clear, "under no circumstances should one party to a divorce be allowed to take
17 all of the benefits of the divorce settlement and leave the other party at the disadvantage suffered
18 by the wife in the present case." *Id.* at 1234.
19

20 Under NRS 123.220, the PERS retirement benefits are community property.¹¹ It was
21 agreed at trial that the retirement benefits are community property. The Decree of Divorce and
22 the QDRO state that the retirement benefits are community property.
23

24
25 ¹⁰ 112 Nev. 1230, 925 P.2d 503 (1996)

26 ¹¹ NRS 123.230 states,

27 **Community property defined.** All property, other than that stated in NRS 123.130, acquired after
28 marriage by either husband or wife, or both, is community property unless otherwise provided by:

1. An agreement in writing between the spouses.
2. A decree of separate maintenance issued by a court of competent jurisdiction.

1 NRS 125.150(1)(b) provides that community property shall be divided equally. *Sertic,*
2 *supra*, the terms of the QDRO, and the Nevada Family Law Practice Manual state that upon first
3 eligibility for retirement that Plaintiff shall begin making the payments directly to Defendant
4 because the failure to retire at first eligibility divests Defendant of her community property.¹²

5 There is no dispute that under the documents provided by PERS in Exhibit A and Chapter
6 286 of the Nevada Revised Statutes that Plaintiff's first eligibility for retirement was April 2011.
7 There is no dispute that the parties were divorced as of March 2013. There should be no dispute
8 of any kind that Defendant is entitled, at a minimum, to her community property share of the
9 retirement benefits from that date forward through to the present.
10

11 **B. Survivor Benefit**

12 Under *Amie v. Amie*,¹³ *Gramanz v. Gramanz*,¹⁴ and *Williams v. Waldman*,¹⁵ assets that
13 are not divided or "omitted assets," the parties hold the un-adjudicated asset as tenants in
14 common, and either party may petition the Court for an allocation of that asset.
15

16 In 2015, the Nevada Legislature passed a new statute regarding omitted assets in
17 Assembly Bill 362. This statute became effective October 1, 2015. The statute states,
18

19 A party may file a postjudgment motion in any action for divorce, annulment or separate
20 maintenance to obtain adjudication of any community property or liability omitted from
21 the decree or judgment as the result of fraud or mistake. A motion pursuant to this
22 subsection must be filed within 3 years after the discovery by the aggrieved party of the
23 facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such

24 3. NRS 123.190.

4. A decree issued or agreement in writing entered pursuant to NRS 123.259.

25 ¹² It may be noted that as a school teacher, Defendant will not reach her first eligibility for retirement for at least ten
26 years.

27 ¹³ 106 Nev. 541, 796 P.2d 233 (1990)

28 ¹⁴ 113 Nev. 1, 930 P.2d 753 (1997)

¹⁵ 108 Nev. 466, 836 P.2d 614 (1992)

1 a motion and shall equally divide the omitted community property or liability between
2 the parties unless the court finds that:

3 (a) The community property or liability was included in a prior equal disposition
4 of the community property of the parties or in an unequal disposition of the community
5 property of the parties which was made pursuant to written findings of a compelling
6 reason for making that unequal disposition; or (b) The court determines a compelling
7 reason in the interests of justice to make an unequal disposition of the community
8 property or liability and sets forth in writing the reasons for making the unequal
9 disposition. - If a motion pursuant to this subsection results in a judgment dividing a
10 defined benefit pension plan, the judgment may not be enforced against an installment
11 payment made by the plan more than 6 years after the installment payment.

12 Neither Plaintiff nor Defendant or their respective counsels ever raised the issue of the
13 survivor beneficiary. The issue was never raised in the pleadings, was never raised in any
14 correspondence, was never raised in settlement negotiations, and was never raised during the
15 trial. The survivor beneficiary designation is an omitted asset. As the Court well knows, should
16 Plaintiff predecease Defendant her receipt of her community property retirement benefits from
17 PERS will immediately cease.

18 Exhibit A shows that Plaintiff has made himself the survivor beneficiary. As this is a
19 long term marriage, 23 years, Defendant is the party who should be made the survivor
20 beneficiary upon retirement so that she will not be divested of her community property rights in
21 her retirement benefits.

22 **C. Child Support**

23 In January 2016, Plaintiff had to attend a hearing in front of the Child Support Hearing
24 Master. At that hearing, Plaintiff was advised that his driver's license was suspended. When he
25 told the hearing master that he needed a car to get to work, she told him to take a bus. Plaintiff
26 was ordered held in contempt with any jail time stayed upon the condition that Plaintiff stays
27 current in his child support obligations.
28

1 Plaintiff's child support arrears through February 2015, was \$686. Plaintiff's child
2 support arrears from March 2015, through December 2015 was \$5,210, for total arrears for 2015
3 of \$5,896.

4 **D. Health Insurance Premiums**


5 Defendant advises that effective January 1, 2016, that the health insurance premiums
6 allocable to the minor children was raised to \$440 per month. Plaintiff should be paying \$220
7 per month for his share of the health insurance premium in addition to the child support he is
8 paying.
9

10 **E. Plaintiff Was Reinstated To His Job**

11 Plaintiff's appeal of his termination was granted and he was reinstated to his job. By
12 being reinstated, Plaintiff has had an increase of 20 percent or more to his income. Per NRS
13 125B.145(4), Plaintiff's child support obligation should be reviewed. Plaintiff also should have
14 been required to provide a new Financial Disclosure Form detailing his reinstated income.
15

16 DATED this 24 day of February 2016
17

18 PAGE LAW OFFICE

19
20 
21 FRED PAGE, ESQ.
22 Nevada Bar No. 6080
23 6145 Spring Mountain Road, Suite 201
24 Las Vegas, Nevada 89146
25 (702) 469-3278
26 Attorney for Defendant
27
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 9th day of February 2016, the foregoing Supplemental Exhibits was served pursuant to AO 14-2 by e-serving a true and correct copy to Bonty Lonardo, Esq. at info@ljlawlv.com.



An employee of Page Law Office

EXHIBIT A



693 W. Nye Lane
Carson City, NV 89703
(775) 687-4200
Fax (775) 687-5131
Toll Free 1-866-473-7768

5820 S. Eastern Ave., Suite 220
Las Vegas, NV 89119
(702) 486-3900
Fax (702) 678-6934

Estimate Calculation for Service Retirement

I. Member Information:

Richard S Kilgore SSN: [REDACTED] Date of Birth: 04/20/1961

II. Beneficiary Information:

Eleni Kilgore Relationship: Spouse Date of Birth: 08/23/1969

III. Benefit Calculation Effective Dates and Special Notations:

Termination Date: 07/31/2011

Retirement Date: 08/01/2011

Your service credit has been projected based on fulltime employment. Service credit is not earned for any periods of leave taken without pay.

Questions concerning insurance coverage and/or premiums should be addressed to your employer or the administrator of your plan.

Our records indicate that we do not have your Survivor Beneficiary Designation form on file. Please complete and return the enclosed form so we may update our records.

IV. Benefit Calculation Formula:

Total Service Credit Earned before July 1, 2001 X 2.5% = Service Time Factor.

Total Service Credit Earned after July 1, 2001 X 2.67% = Service Time Factor.

Total of Service Time Factors X Average Monthly Compensation (36 Highest Consecutive Months of Salary) = Service Retirement Allowance. (Your benefit when you are fully eligible to retire)

V. Benefit Calculation:

Employee Group	Total Service Credit	Total Service Time Factor	Average Compensation	Service Retirement Allowance
Police/Fire	22.08	56.889%	\$ 9189.88	\$ 5228.03

Total Service Retirement Allowance = \$ 5228.03

VI. Early Retirement Reduction:

Benefit Minus Early Retirement Reduction: \$ 5228.03 - 0.00% = \$ 5228.03 Unmodified Option 1

(Your early retirement reduction is based on the years, months, and days you are under your retirement age.)

VII. Optional Monthly Benefits:

Member Actuarial Retirement Age: 50 Beneficiary Actuarial Retirement Age: 42

	Retiree	Beneficiary	Age Factors	Comments
Unmodified				
Option 1	\$5228.03	\$2614.02	N/A	50% PF Service to Spouse at retiree death if age 50 or greater
Option 2	\$4466.83	\$4466.83	35.44%	Beneficiary receives upon retiree death.
Option 3	\$4817.63	\$2408.82	92.15%	Beneficiary receives 50% upon retiree death.
Option 4	\$4639.35	\$4639.35	38.74%	Beneficiary receives at age 60.
Option 5	\$4823.38	\$2411.69	92.26%	Beneficiary receives 50% at age 60.
Option 6	\$ 0.00	\$ 0.00	0.00%	Beneficiary receives specified amount upon request.
Option 7	\$ 0.00	\$ 0.00	0.00%	Beneficiary receives specified amount at age 60 upon request.

This is an estimate only. Your final benefit calculation may differ from what is presented today due to service credit variations or average compensation variations.

Generated by: MEP

Estimate No: E546919

Calc Dt: 01/11/2011

Generate

OK
MF

Approved

[Signature]

ROA000013

SURVIVOR BENEFICIARY DESIGNATION

693 W. Nye Lane, Carson City, NV 89703 (775) 687-4200 Fax (775) 687-5131
5820 S. Eastern Ave. Suite 220, Las Vegas, NV 89119 (702) 486-3900 Fax (702) 678-6934

****THIS FORM SUPERCEDES ALL PRIOR BENEFICIARY DESIGNATIONS****

Member Information			
Name: <u>RICHARD KILGORE</u>	Social Security Number: <u>[REDACTED]</u>	Employer: <u>CITY LAS VEGAS</u>	
Address: <u>6509 COLUMBIA FALLS COURT</u>	City, State, Zip: <u>LV, NV 89149</u>		
Home Phone: <u>702-363-2602</u>	Work Phone: <u>702 229 6070</u>	Birth Date: <u>4-20-1961</u>	
Family Beneficiary Information. A spouse is a member's primary beneficiary under NRS 286.674 and may be eligible to receive a lifetime survivor benefit in the event of the member's death prior to retirement. Children under age 18 may be eligible to receive a limited benefit.			
Spouse Name: <u>ELENI KILGORE</u>	Social Security Number: <u>[REDACTED]</u>	Birth Date: <u>8-22-69</u>	
List all unmarried children (biological or legally adopted) under age 18. (Attach separate sheet if necessary.)			
Name: <u>ALEXANDRA KILGORE</u>	Social Security Number: <u>[REDACTED]</u>	Birth Date: <u>8-22-1998</u>	<input type="checkbox"/> M <input checked="" type="checkbox"/> F
Name: <u>NICHOLAS KILGORE</u>	Social Security Number: <u>[REDACTED]</u>	Birth Date: <u>6-29-2000</u>	<input type="checkbox"/> M <input checked="" type="checkbox"/> F
Name: <u>RICHARD ROYD KILGORE</u>	Social Security Number: <u>[REDACTED]</u>	Birth Date: <u>6-29-2000</u>	<input type="checkbox"/> M <input checked="" type="checkbox"/> F
Survivor Beneficiary Designation. This designation is valid only upon the member establishing eligibility for survivor benefits pursuant to NRS 286.672 and 286.676. All members of the system should list at least one primary person as the Survivor Beneficiary (not a spouse or trust) to receive a lifetime benefit in the event of the member's death prior to retirement. Additional Payees may be designated to split the payment with the Survivor Beneficiary by percentage. All Additional Payees benefits cease upon death of the designated Survivor Beneficiary. An Additional Payees' percentage will redistribute equally upon their death.			
Survivor Beneficiary:			
Name: <u>ELENI KILGORE</u>	SSN: <u>[REDACTED]</u>	Birth Date: <u>8-22-69</u>	<input type="checkbox"/> M <input checked="" type="checkbox"/> F 100
Address: <u>6509 COLUMBIA FALLS CT</u>	City, State, Zip: <u>LV, NV 89149</u>		Percent
Additional Payees: Payable only if member's death occurs on or after January 1, 2004 (Attach separate sheet, if necessary).			
Name: <u>ALEXANDRA KILGORE</u>	SSN: <u>[REDACTED]</u>	Birth Date: <u>8-22-98</u>	<input type="checkbox"/> M <input checked="" type="checkbox"/> F 33 1/3
Address: <u>6509 COLUMBIA FALLS CT</u>	City, State, Zip: <u>LV NV 89149</u>		Percent
Name: <u>NICHOLAS KILGORE</u>	SSN: <u>[REDACTED]</u>	Birth Date: <u>6-29-2000</u>	<input type="checkbox"/> M <input checked="" type="checkbox"/> F 33 1/3
Address: <u>6509 COLUMBIA FALLS CT</u>	City, State, Zip: <u>LV NV 89149</u>		Percent
Name: <u>RICHARD ROYD KILGORE</u>	SSN: <u>[REDACTED]</u>	Birth Date: <u>6-29-2000</u>	<input type="checkbox"/> M <input checked="" type="checkbox"/> F 33 1/3
Address: <u>6509 COLUMBIA FALLS CT</u>	City, State, Zip: <u>LV NV 89149</u>		Percent
*Survivor Beneficiary & Additional Payee Percentages must be whole numbers and total 100% when added together.			
TOTAL PERCENTAGES FOR SURVIVOR BENEFICIARY + ALL ADDITIONAL PAYEES =			100
Total %			
Beneficiary Designation. Members should designate someone other than those listed above to receive a one-time lump-sum payment of member contributions, if any, remaining with the system after any and all survivor benefits have been paid. If more than one person is listed, the distribution will be split equally unless otherwise stated by the member. Attach a separate sheet if necessary.			
Name: <u>CAMILLE KILGORE</u>	SSN: <u>[REDACTED]</u>	Birth Date: <u>7-21-89</u>	<input type="checkbox"/> M <input checked="" type="checkbox"/> F
Address: <u>[REDACTED]</u>	City, State, Zip: <u>[REDACTED]</u>		
Name: <u>BOYD KILGORE</u>	SSN: <u>[REDACTED]</u>	Birth Date: <u>[REDACTED]</u>	<input type="checkbox"/> M <input checked="" type="checkbox"/> F
Address: <u>1816 THOROUGHGOOD</u>	City, State, Zip: <u>HN, NV 89015</u>		
I understand that the information designated on this form supercedes all prior Beneficiary Designations that I have submitted on other forms, and that this information only affects records with the Public Employees' Retirement System.		For PERS: <u>4 2005</u> Stamp Date Received PERS OF NEVADA	
Member Signature: <u>[Signature]</u>		Date: <u>10/10/05</u>	



SURVIVOR BENEFICIARY DESIGNATION

693 W. Nye Lane, Carson City, NV 89703 (775) 687-4200 Fax (775) 687-5131
7455 W. Washington Ave., Suite 150, Las Vegas, NV 89128 (702) 486-3900 Fax (702) 304-0697
5820 S. Eastern Ave. Suite 220, Las Vegas, NV 89119 (702) 486-3900 Fax (702) 678-6934
Toll Free: (866) 473-7768

****THIS FORM SUPERSEDES ALL PRIOR BENEFICIARY DESIGNATIONS****

Member Information		Name Change <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Former Name: _____	
Name: <u>RICHARD S. KILGORE</u>	Social Security Number: _____	Employer: _____	
Address: <u>6509 COLUMBIA FALLS CT</u> City, State, Zip: <u>LV, NV 89149</u>			
Home Phone: <u>(702) 363-2602</u>	Work Phone: <u>(702) 229-6070</u>	Birth Date: <u>04/20/1961</u>	
Family Beneficiary Information. A spouse is a member's primary beneficiary under NRS 286.674 and may be eligible to receive a lifetime benefit in the event of the member's death prior to retirement. If a monthly benefit is not available, the spouse may be eligible to receive a one-time lump-sum payment of any existing member contributions in the System. Children under age 18 may be eligible to receive a limited benefit.			
Spouse Name: <u>ELENI KILGORE</u>		Social Security Number: _____	Birth Date: <u>08/22/1969</u>
List all unmarried children (biological or legally adopted) under age 18. (Attach separate sheet if necessary.)			
Name: <u>ALEXANDRA KILGORE</u>	Social Security Number: _____	Birth Date: <u>08/22/95</u>	<input type="checkbox"/> M <input type="checkbox"/> F
Name: <u>NICHOLAS KILGORE</u>	Social Security Number: _____	Birth Date: <u>06-29-2000</u>	<input type="checkbox"/> M <input type="checkbox"/> F
Name: <u>RICHARD BOYD KILGORE</u>	Social Security Number: _____	Birth Date: <u>6-29-2000</u>	<input type="checkbox"/> M <input type="checkbox"/> F
Survivor Beneficiary Designation. This designation is valid only upon the member establishing eligibility for survivor benefits pursuant to NRS 286.672 and 286.6767. All members of the System should list one person as the Survivor Beneficiary (not a spouse, trust or charitable organization) to receive a lifetime benefit in the event of the member's death or member and spouse's simultaneous death prior to retirement. Additional Payees may be designated to split the payment with the Survivor Beneficiary by percentage. Monthly payments to Additional Payees cease upon the death of the designated Survivor Beneficiary. If a monthly payment is not available and no spouse exists, then the Survivor Beneficiary and Additional Payees may be eligible to split, by percentage designated, a one-time, lump-sum payment of any existing member contributions in the System.			
Survivor Beneficiary: (If you do not wish to provide a lifetime benefit for Survivor Beneficiary/Additional Payees, indicate NONE.)			
Name: <u>ALEXANDRA KILGORE</u>	SSN: _____	Birth Date: <u>08/22/1995</u>	<input type="checkbox"/> M <input type="checkbox"/> F <u>40%</u> Percent*
Address: <u>6509 COLUMBIA FALLS CT</u>		City, State, Zip: <u>LV, NV 89149</u>	
Additional Payees: (Attach separate sheet, if necessary)			
Name: <u>NICHOLAS KILGORE</u>	SSN: _____	Birth Date: <u>6-29-2000</u>	<input type="checkbox"/> M <input type="checkbox"/> F <u>30%</u> Percent*
Address: <u>6509 COLUMBIA FALLS CT</u>		City, State, Zip: <u>LV NV 89149</u>	
Name: <u>RICHARD BOYD KILGORE</u>	SSN: _____	Birth Date: <u>06-29-2000</u>	<input type="checkbox"/> M <input type="checkbox"/> F <u>30%</u> Percent*
Address: <u>6509 COLUMBIA FALLS CT</u>		City, State, Zip: <u>LV NV 89149</u>	
Name: _____	SSN: _____	Birth Date: _____	<input type="checkbox"/> M <input type="checkbox"/> F _____ Percent*
Address: _____		City, State, Zip: _____	
*Survivor Beneficiary & Additional Payee Percentages must be whole numbers and total 100% when added together			
TOTAL PERCENTAGES FOR SURVIVOR BENEFICIARY + ALL ADDITIONAL PAYEES =			Total %
Tertiary Beneficiary Designation. The tertiary beneficiary may be eligible to receive a one-time lump-sum payment of any existing member contributions in the System when there is no spouse and no Survivor Beneficiary/Additional Payee designated or living and no minor children/student payments are being made by the System. If more than one person is listed, the payment will be split equally unless otherwise stated by the member. Attach a separate sheet if necessary.			
RECEIVED			
Name: _____	SSN: _____	Birth Date: _____	<input type="checkbox"/> M <input type="checkbox"/> F
Address: _____		City, State, Zip: _____	
Name: _____	SSN: _____	Birth Date: _____	<input type="checkbox"/> M <input type="checkbox"/> F
Address: _____		City, State, Zip: _____	
I understand that the information designated on this form supersedes all prior Beneficiary Designations that I have submitted in other forms, and that this information only affects records with the Public Employees' Retirement System.			
Member Signature: _____		Date: <u>02-01-2011</u>	
FEB 03 2011		For PERS Use - Date Received	
PERS OF NEVADA		RECEIVED	
		FEB 01 2011	

LVS PERS

ROA000015



SURVIVOR BENEFICIARY DESIGNATION

693 W. Nye Lane, Carson City, NV 89703 (775) 687-4200 Fax (775) 687-5131
5820 N. Eastern Ave. Suite 220, Las Vegas, NV 89119 (702) 486-3900 Fax (702) 678-6934
Toll Free: (866) 473-7768

****THIS FORM SUPERCEDES ALL PRIOR BENEFICIARY DESIGNATIONS****

Member Information		Name Change <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Former Name:	
Name:	KILGORE, RICHARD	Social Security Number:	[REDACTED] Employer: CITY LAS VEGAS
Address:	6509 COLUMBIA FALLS CT	City, State, Zip:	LAS VEGAS, NV 89149
Home Phone:	702-325-3518	Work Phone:	(702) 229-6070 Birth Date: 04/20/61
Family Beneficiary Information. A spouse is a member's primary beneficiary under NRS 286.674 and may be eligible to receive a lifetime benefit in the event of the member's death prior to retirement. If a monthly benefit is not available, the spouse may be eligible to receive a one-time lump-sum payment of any existing member contributions in the System. Children under age 18 may be eligible to receive a limited benefit.			
Spouse Name:		Social Security Number:	Birth Date:
List all unmarried children (biological or legally adopted) under age 18. (Attach separate sheet if necessary.)			
Name:	RICHARD BOYD KILGORE	Social Security Number:	Birth Date: 06/29/2000 <input type="checkbox"/> M <input type="checkbox"/> F
Name:	NICHOLAS RICHARD KILGORE	Social Security Number:	Birth Date: 06/29/2000 <input type="checkbox"/> M <input type="checkbox"/> F
Name:		Social Security Number:	Birth Date: <input type="checkbox"/> M <input type="checkbox"/> F
Survivor Beneficiary Designation. This designation is valid only upon the member establishing eligibility for survivor benefits pursuant to NRS 286.672 and 286.6767. All members of the System should list one person as the Survivor Beneficiary (not a spouse, trust or charitable organization) to receive a lifetime benefit in the event of the member's death or member and spouse's simultaneous death prior to retirement. Additional Payees may be designated to split the payment with the Survivor Beneficiary by percentage. Monthly payments to Additional Payees cease upon the death of the designated Survivor Beneficiary. If a monthly payment is not available and no spouse exists, then the Survivor Beneficiary and Additional Payees may be eligible to split, by percentage designated, a one-time, lump-sum payment of any existing member contributions in the System.			
Survivor Beneficiary: (If you do not wish to provide a lifetime benefit for Survivor Beneficiary/Additional Payees, indicate NONE.)			
Name:	RICHARD B KILGORE	SS#: [REDACTED]	Birth Date: 06/29/00 <input type="checkbox"/> M <input type="checkbox"/> F 50% Percent*
Address:	6509 COLUMBIA FALLS CT	City, State, Zip: LAS VEGAS, NV 89149	
Additional Payees: (Attach separate sheet, if necessary)			
Name:	NICHOLAS R. KILGORE	SS#: [REDACTED]	Birth Date: 06/29/00 <input type="checkbox"/> M <input type="checkbox"/> F 50% Percent*
Address:	6509 COLUMBIA FALLS CT	City, State, Zip: LAS VEGAS, NV 89149	
Name:		SS#: [REDACTED]	Birth Date: <input type="checkbox"/> M <input type="checkbox"/> F Percent*
Address:		City, State, Zip:	
Name:		SS#: [REDACTED]	Birth Date: <input type="checkbox"/> M <input type="checkbox"/> F Percent*
Address:		City, State, Zip:	
*Survivor Beneficiary & Additional Payee Percentages must be whole numbers and total 100% when added together			
TOTAL PERCENTAGES FOR SURVIVOR BENEFICIARY + ALL ADDITIONAL PAYEES =			Total %
Tertiary Beneficiary Designation. The tertiary beneficiary may be eligible to receive a one-time lump-sum payment of any existing member contributions in the System when there is no spouse and no Survivor Beneficiary/Additional Payee designated or living and no minor children/student payments are being made by the System. If more than one person is listed, the payment will be split equally unless otherwise stated by the member. Attach a separate sheet if necessary.			
Name:	BOYD KILGORE	SS#: [REDACTED]	Birth Date: 7/16/1940 <input type="checkbox"/> M <input type="checkbox"/> F
Address:	1810 THROUGH BROD	City, State, Zip: HN NV 89115	
Name:	MICHAEL KILGORE	SS#: [REDACTED]	Birth Date: 8/16/1965 <input type="checkbox"/> M <input type="checkbox"/> F
Address:	1810 THROUGH BROD	City, State, Zip: HN NV 89115	
I understand that the information designated on this form supercedes all prior Beneficiary Designations that I have submitted on other forms, and that this information only affects records with the Public Employees Retirement System.			
Member Signature: [Signature]		Date: 1/28/13	RECEIVED JAN 18 2013 LVS-PERS

ROA000016



SURVIVOR BENEFICIARY DESIGNATION

691 W. Nye Lane, Carson City, NV 89103 (775) 687-4200 Fax (775) 687-5131
7455 W. Washington Ave., Suite 150, Las Vegas, NV 89128 (702) 486-3900 Fax (702) 364-0697
5220 S. Eastern Ave. Suite 220, Las Vegas, NV 89119 (702) 486-3900 Fax (702) 678-6934
Toll Free: (866) 473-7768

****THIS FORM SUPERSEDES ALL PRIOR BENEFICIARY DESIGNATIONS****

Member Information	
Name: <u>Richard Kilgore</u>	Name Change <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Former Name: _____
Address: <u>6509 COLUMBIA FALLS</u>	Social Security Number: _____ Employer: <u>CLV</u>
Home Phone: <u>702.325.3515</u>	City, State, Zip: <u>LV NV 89149</u>
Work Phone: _____	Birth Date: <u>9/20/61</u>
Family Beneficiary Information. A spouse is a member's primary beneficiary under NRS 236.674 and may be eligible to receive a lifetime benefit in the event of the member's death prior to retirement. If a monthly benefit is not available, the spouse may be eligible to receive a one-time lump-sum payment of any existing member contributions in the System. Children under age 18 may be eligible to receive a limited benefit.	
Spouse Name: _____	Social Security Number: _____ Birth Date: _____
List all unmarried children (biological or legally adopted) under age 18. (Attach separate sheet if necessary.)	
Name: _____	Social Security Number: _____ Birth Date: _____ <input type="checkbox"/> M <input type="checkbox"/> F
Name: _____	Social Security Number: _____ Birth Date: _____ <input type="checkbox"/> M <input type="checkbox"/> F
Name: _____	Social Security Number: _____ Birth Date: _____ <input type="checkbox"/> M <input type="checkbox"/> F
Survivor Beneficiary Designation. This designation is valid only upon the member establishing eligibility for survivor benefits pursuant to NRS 236.672 and 236.676. All members of the System should list one person as the Survivor Beneficiary (not a spouse, trust or charitable organization) to receive a lifetime benefit in the event of the member's death or member and spouse's simultaneous death prior to retirement. Additional Payees may be designated to split the payment with the Survivor Beneficiary by percentage. Monthly payments to Additional Payees cease upon the death of the designated Survivor Beneficiary. If a monthly payment is not available and no spouse exists, then the Survivor Beneficiary and Additional Payees may be eligible to split, by percentage designated, a one-time, lump-sum payment of any existing member contributions in the System.	
Survivor Beneficiary: (If you do not wish to provide a lifetime benefit for Survivor Beneficiary/Additional Payees, indicate NONE.)	
Name: <u>RICHARD BOYD KILGORE</u>	SSN: _____ Birth Date: <u>06-23-00</u> <input type="checkbox"/> M <input type="checkbox"/> F
Address: <u>6509 COLUMBIA FALLS</u>	City, State, Zip: <u>LV NV 89149</u>
Additional Payees: (Attach separate sheet, if necessary)	
Name: _____	SSN: _____ Birth Date: _____ <input type="checkbox"/> M <input type="checkbox"/> F
Address: _____	City, State, Zip: _____
Name: _____	SSN: _____ Birth Date: _____ <input type="checkbox"/> M <input type="checkbox"/> F
Address: _____	City, State, Zip: _____
Name: _____	SSN: _____ Birth Date: _____ <input type="checkbox"/> M <input type="checkbox"/> F
Address: _____	City, State, Zip: _____
*Survivor Beneficiary & Additional Payee Percentages must be whole numbers and total 100% when added together	
TOTAL PERCENTAGES FOR SURVIVOR BENEFICIARY + ALL ADDITIONAL PAYEES = <u>100</u> Total %	
Tertiary Beneficiary Designation. The tertiary beneficiary may be eligible to receive a one-time lump-sum payment of any existing member contributions in the System when there is no spouse and no Survivor Beneficiary/Additional Payee designated or living and no minor child/student payments are being made by the System. If more than one person is listed, the payment will be split equally unless otherwise stated by the member. Attach a separate sheet if necessary.	
Name: _____	SSN: _____ Birth Date: _____ <input type="checkbox"/> M <input type="checkbox"/> F
Address: _____	City, State, Zip: _____
Name: _____	SSN: _____ Birth Date: _____ <input type="checkbox"/> M <input type="checkbox"/> F
Address: _____	City, State, Zip: _____
I understand that the information designated on this form supersedes all prior Beneficiary Designations that I have submitted on other forms, and that this information only affects records with the Public Employees' Retirement System.	
Member Signature: _____	Date: <u>1-24-15</u>
RECEIVED JAN 11 2016 PERS OF NEVADA	

ROA000017

EXHIBIT B

Arrearage Calculation Summary
Richard Kilgore v. Eleni Kilgore

Page: 1

Report Date: 02/08/2016

Summary of Amounts Due

Total Principal Due 02/09/2016: \$85753.80
Total Interest Due 02/09/2016: \$6210.73
Total Penalty Due 02/09/2016: \$0.00
Amount Due if paid on 02/09/2016: \$91964.53
Amount Due if paid on 02/10/2016: \$91964.53
Daily Amount accruing as of 02/10/2016: \$0.00

Accumulated Arrearage and Interest Table

Date Due	Amount Due	Date Received	Amount Received	Accum. Arrearage	Accum. Interest
03/01/2013	2382.05	03/01/2013	0.00	2382.05	0.00
04/01/2013	2382.05	04/01/2013	0.00	4764.10	10.62
05/01/2013	2382.05	05/01/2013	0.00	7146.15	31.17
06/01/2013	2382.05	06/01/2013	0.00	9528.20	63.04
07/01/2013	2382.05	07/01/2013	0.00	11910.25	104.15
08/01/2013	2382.05	08/01/2013	0.00	14292.30	157.26
09/01/2013	2382.05	09/01/2013	0.00	16674.35	220.99
10/01/2013	2382.05	10/01/2013	0.00	19056.40	292.94
11/01/2013	2382.05	11/01/2013	0.00	21438.45	377.91
12/01/2013	2382.05	12/01/2013	0.00	23820.50	470.42
01/01/2014	2382.05	01/01/2014	0.00	26202.55	576.63
02/01/2014	2382.05	02/01/2014	0.00	28584.60	693.47
03/01/2014	2382.05	03/01/2014	0.00	30966.65	808.59
04/01/2014	2382.05	04/01/2014	0.00	33348.70	946.66
05/01/2014	2382.05	05/01/2014	0.00	35730.75	1090.57
06/01/2014	2382.05	06/01/2014	0.00	38112.80	1249.89
07/01/2014	2382.05	07/01/2014	0.00	40494.85	1414.35
08/01/2014	2382.05	08/01/2014	0.00	42876.90	1594.91
09/01/2014	2382.05	09/01/2014	0.00	45258.95	1786.09
10/01/2014	2382.05	10/01/2014	0.00	47641.00	1981.39
11/01/2014	2382.05	11/01/2014	0.00	50023.05	2193.81
12/01/2014	2382.05	12/01/2014	0.00	52405.10	2409.67
01/01/2015	2382.05	01/01/2015	0.00	54787.15	2643.34
02/01/2015	2382.05	02/01/2015	0.00	57169.20	2887.63
03/01/2015	2382.05	03/01/2015	0.00	59551.25	3117.87
04/01/2015	2382.05	04/01/2015	0.00	61933.30	3383.40
05/01/2015	2382.05	05/01/2015	0.00	64315.35	3650.65
06/01/2015	2382.05	06/01/2015	0.00	66697.40	3937.43
07/01/2015	2382.05	07/01/2015	0.00	69079.45	4225.23
08/01/2015	2382.05	08/01/2015	0.00	71461.50	4533.25
09/01/2015	2382.05	09/01/2015	0.00	73843.55	4851.89
10/01/2015	2382.05	10/01/2015	0.00	76225.60	5170.53
11/01/2015	2382.05	11/01/2015	0.00	78607.65	5510.41
12/01/2015	2382.05	12/01/2015	0.00	80989.70	5849.61

ROA000019

01/01/2016	2382.05	01/01/2016	0.00	83371.75	6210.73
02/01/2016	2382.05	02/01/2016	0.00	85753.80	6210.73
02/09/2016	0.00	02/09/2016	0.00	85753.80	6210.73
	-----		-----	-----	-----
Totals	85753.80		0.00	85753.80	6210.73

* Indicates a payment due is designated as child support.

Notes: Payments are applied to oldest unpaid balance.
Interest and penalties are calculated using number of days past due.
Payments apply to principal amounts only.
Interest is not compounded, but accrued only.
Penalties calculated on past due child support amounts per NRS 125B.095.

Interest Rates Used by Program:

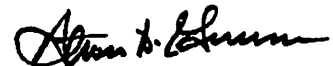
7.00% from Jan 1960 to Jun 1979		8.00% from Jul 1979 to Jun 1981
12.00% from Jul 1981 to Jun 1987		10.25% from Jul 1987 to Dec 1987
10.75% from Jan 1988 to Jun 1988		11.00% from Jul 1988 to Dec 1988
12.50% from Jan 1989 to Jun 1989		13.00% from Jul 1989 to Dec 1989
12.50% from Jan 1990 to Jun 1990		12.00% from Jul 1990 to Jun 1991
10.50% from Jul 1991 to Dec 1991		8.50% from Jan 1992 to Dec 1992
8.00% from Jan 1993 to Jun 1994		9.25% from Jul 1994 to Dec 1994
10.50% from Jan 1995 to Jun 1995		11.00% from Jul 1995 to Dec 1995
10.50% from Jan 1996 to Jun 1996		10.25% from Jul 1996 to Jun 1997
10.50% from Jul 1997 to Dec 1998		9.75% from Jan 1999 to Dec 1999
10.25% from Jan 2000 to Jun 2000		11.50% from Jul 2000 to Jun 2001
8.75% from Jul 2001 to Dec 2001		3.50% from Jan 2011 to Dec 2011
5.25% from Jan 2012 to Dec 2015		0.00% from Jan 2016 to Jun 2016

Report created by:
Marshal Law version 3.0
Copyright (c) 1999, 2001 Marshal S. Willick, P.C.

Licensed to:
Program Installation Not Completed
Program Installation Not Completed
Program Installation Not Completed
Program Installation Not Completed

* End Of Report *

ROA000020



CLERK OF THE COURT

SUPE
FRED PAGE, ESQ.
Nevada Bar: 6080
PAGE LAW OFFICE
6145 Spring Mountain Road, Suite 201
Las Vegas, Nevada 89146
Phone: (702) 469-3278
Facsimile: (702) 628-9884
E-mail: fpagelaw@pagelawoffices.com
Attorney for Defendant

DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA

RICHARD KILGORE,

Plaintiff,

vs.

ELENI KILGORE,

Defendant.

CASE NO.: D-12-459171-D
DEPT. NO.: 1

Hearing Date: December 1, 2016

Hearing Time: 9:30 a.m.

SUPPLEMENTAL EXHIBITS FOR DECEMBER 1, 2016, RETURN HEARING

Defendant, ELENI KILGORE, by and through her counsel, Fred Page, Esq., hereby submits the following Supplemental Exhibits for the December 1, 2016, return hearing. The Supplemental Exhibits are as follows.

Exhibit A is correspondence from Sonya Hellwinkel from the Nevada Public Employees Retirement System (hereinafter "PERS") providing the estimate benefit Plaintiff, Richard Kilgore, would have received if he had retired on March 10, 2015.

The PERS estimate indicates that if Plaintiff, Richard Kilgore, retired on March 10, 2015, that he would have been entitled to receive \$6,136.77 per month from PERS.

1 The parties were married to each other on December 15, 1992. The Decree of Divorce
2 was entered on March 13, 2013, making the marriage 20 years and three months in length, or 243
3 months. The total service credits for Richard as of March 13, 2015 were 25.31 years or 303.72
4 months.

5
6 The marriage falls entirely within the time Richard was a PERS participant. Dividing
7 243 months by 303.72 months gives the percentage of 80 percent. One-half of that is 40 percent.
8 Therefore, 40 percent of \$6,136.77 is \$2,454.71 per month. Richard owes Eleni \$2,454.71 per
9 month from March 2015, through to the present.

10 The interval between March 2015, and December 1, 2015, is 22 months. Before interest,
11 Richard owes Eleni approximately \$54,003.62¹. Attached as Exhibit B is an MLaw calculation
12 that calculates interest as it is accrued each month.
13

14 Richard should be ordered to commence making his property equalization payments to
15 Eleni effective December 1, 2016.

16 DATED this 29th day of November 2016
17

18 PAGE LAW OFFICE

19 

20
21 FRED PAGE, ESQ.
22 Nevada Bar No.: 6080
23 6145 Spring Mountain Road, Suite 201
24 Las Vegas, Nevada 89146
25 Phone: (702) 469-3278
26 E-mail: fpagelawoffices.com
27 Attorney for Defendant
28

¹ 22 months x \$2,454.71 = \$54,003.58

CERTIFICATE OF SERVICE

The undersigned certifies that on the 29th day of November 2016 that the foregoing Supplemental Exhibits were served pursuant to AO 14-2 via e-service to Betsy Allen, Esq. attorney for Plaintiff.



An employee of Page Law Office

EXHIBIT A



Public Employees' Retirement System of Nevada
 693 W. Nye Lane, Carson City, NV 89703 (775) 687-4200, Fax (775) 687-5121
 5820 S. Eastern Ave., Suite 220, Las Vegas, NV 89119 (702) 486-3900, Fax (702) 671-6934
 Toll Free 1-866-473-7768 Website www.nvpers.org

Estimate Calculation for Service Retirement

I. Member Information:

Richard S Kilgore

SSN: XXX-XX-3808

Date of Birth: 05/20/1961

II. Beneficiary Information:

Eleni Kilgore

Relationship: Beneficiary

Date of Birth: 08/22/1969

III. Benefit Calculation Effective Dates and Special Notations:

Termination Date: 10/14/2014

Retirement Date: 03/10/2015

No salary or service credit projections have been made.

Please note, had you retired March 10, 2015, our records would have been based on service credit and wages reported through March 14, 2014.

IV. Benefit Calculation Formula:

Total Service Credit Earned before July 1, 2001 X 2.5% = Service Time Factor.

Total Service Credit Earned after July 1, 2001 X 2.67% = Service Time Factor.

Total of Service Time Factors X Average Monthly Compensation (36 Highest Consecutive Months of Salary) = Service Retirement Allowance. (Your benefit when you are fully eligible to retire)

V. Benefit Calculation:

Employee Group	Total Service Credit	Total Service Time Factor	Average Compensation	Service Retirement Allowance
Police/Fire	23.31	65.513%	\$ 9367.25	\$ 6136.77

Total Service Retirement Allowance " \$ 6136.77

VI. Early Retirement Reduction:

Benefit Minus Early Retirement Reduction: \$ 6136.77 - 0.00% = \$ 6136.77 Unmodified Option 1

(Your early retirement reduction is based on the years, months, and days you are under your retirement age.)

VII. Optional Monthly Benefits:

Member Actuarial Retirement Age: 34

Beneficiary Actuarial Retirement Age: 46

	Retiree	Beneficiary	Age Factors	Comments
Unmodified				
Option 1	\$6136.77	\$ 0.00	N/A	No Beneficiary Benefit Available
Option 2	\$5293.58	\$5293.58	86.26%	Beneficiary receives upon retiree death
Option 3	\$5683.88	\$2841.94	92.62%	Beneficiary receives 50% upon retiree death
Option 4	\$5415.09	\$3415.09	88.24%	Beneficiary receives at age 60
Option 5	\$5753.22	\$2876.61	93.75%	Beneficiary receives 50% at age 60.
Option 6	\$ 0.00	\$ 0.00	0.00%	Beneficiary receives specified amount upon request.
Option 7	\$ 0.00	\$ 0.00	0.00%	Beneficiary receives specified amount at age 60 upon request.

This is an estimate only. Your final benefit calculation may differ from what is presented today due to service credit variations or average compensation variations.

Generated by: KR

Estimate No: E-159292
 Calc Dt: 11/18/2016

ROA000025

EXHIBIT B

Arrearage Calculation Summary
Richard Kilgore v. Eleni Kilgore

Page: 1

Report Date: 11/29/2016

Summary of Amounts Due

Total Principal Due 12/01/2016: \$54003.62
Total Interest Due 12/01/2016: \$2572.14
Total Penalty Due 12/01/2016: \$0.00
Amount Due if paid on 12/01/2016: \$56575.76
Amount Due if paid on 12/02/2016: \$56583.87
Daily Amount accruing as of 12/02/2016: \$8.11

Accumulated Arrearage and Interest Table

Date Due	Amount Due	Date Received	Amount Received	Accum. Arrearage	Accum. Interest
03/01/2015	2454.71	03/01/2015	0.00	2454.71	0.00
04/01/2015	2454.71	04/01/2015	0.00	4909.42	10.94
05/01/2015	2454.71	05/01/2015	0.00	7364.13	32.12
06/01/2015	2454.71	06/01/2015	0.00	9818.84	64.96
07/01/2015	2454.71	07/01/2015	0.00	12273.55	107.33
08/01/2015	2454.71	08/01/2015	0.00	14728.26	162.06
09/01/2015	2454.71	09/01/2015	0.00	17182.97	227.73
10/01/2015	2454.71	10/01/2015	0.00	19637.68	301.87
11/01/2015	2454.71	11/01/2015	0.00	22092.39	389.44
12/01/2015	2454.71	12/01/2015	0.00	24547.10	484.77
01/01/2016	2454.71	01/01/2016	0.00	27001.81	594.22
02/01/2016	2454.71	02/01/2016	0.00	29456.52	720.01
03/01/2016	2454.71	03/01/2016	0.00	31911.23	848.38
04/01/2016	2454.71	04/01/2016	0.00	34365.94	997.03
05/01/2016	2454.71	05/01/2016	0.00	36820.65	1151.96
06/01/2016	2454.71	06/01/2016	0.00	39275.36	1323.49
07/01/2016	2454.71	07/01/2016	0.00	41730.07	1500.55
08/01/2016	2454.71	08/01/2016	0.00	44184.78	1694.95
09/01/2016	2454.71	09/01/2016	0.00	46639.49	1900.78
10/01/2016	2454.71	10/01/2016	0.00	49094.20	2111.04
11/01/2016	2454.71	11/01/2016	0.00	51548.91	2339.75
12/01/2016	2454.71	12/01/2016	0.00	54003.62	2572.14
Totals	54003.62		0.00	54003.62	2572.14

* Indicates a payment due is designated as child support.

Notes: Payments are applied to oldest unpaid balance.
Interest and penalties are calculated using number of days past due.
Payments apply to principal amounts only.
Interest is not compounded, but accrued only.
Penalties calculated on past due child support amounts per NRS 125B.095.

ROA000027

Interest Rates Used by Program:

7.00% from Jan 1960 to Jun 1979		8.00% from Jul 1979 to Jun 1981
12.00% from Jul 1981 to Jun 1987		10.25% from Jul 1987 to Dec 1987
10.75% from Jan 1988 to Jun 1988		11.00% from Jul 1988 to Dec 1988
12.50% from Jan 1989 to Jun 1989		13.00% from Jul 1989 to Dec 1989
12.50% from Jan 1990 to Jun 1990		12.00% from Jul 1990 to Jun 1991
10.50% from Jul 1991 to Dec 1991		8.50% from Jan 1992 to Dec 1992
8.00% from Jan 1993 to Jun 1994		9.25% from Jul 1994 to Dec 1994
10.50% from Jan 1995 to Jun 1995		11.00% from Jul 1995 to Dec 1995
10.50% from Jan 1996 to Jun 1996		10.25% from Jul 1996 to Jun 1997
10.50% from Jul 1997 to Dec 1998		9.75% from Jan 1999 to Dec 1999
10.25% from Jan 2000 to Jun 2000		11.50% from Jul 2000 to Jun 2001
8.75% from Jul 2001 to Dec 2001		3.50% from Jan 2011 to Dec 2011
5.25% from Jan 2012 to Dec 2015		5.50% from Jan 2016 to Dec 2016

Report created by:

Marshal Law version 3.0

Copyright (c) 1999, 2001 Marshal S. Willick, P.C.

Licensed to:

Program Installation Not Completed

Program Installation Not Completed

Program Installation Not Completed

Program Installation Not Completed

* End Of Report *

Attorney for Defendant

Not To Be Deleted From: ☐ Noted/Reviewed ☐ Noted/In Contingency
☐ Disposed After Trial Start ☒ Disposed After Trial ☐ Disposed After Trial
☐ Disposed After Trial Start ☒ Disposed After Trial ☐ Disposed After Trial
☐ Default Judgment ☐ Jury ADR
☐ Transferred ☐ Trial Disposition
☐ Disposed After Trial Start ☐ Judgment Reached by Trial

1 Richard Kilgore, was present and was represented by and through his counsel.
2 Betsy Allen. The Court having reviewed the papers and pleadings on file and
3 having entertained oral argument hereby makes the following findings and enters
4 the following orders.
5

6 **THE COURT HEREBY FINDS** as follows:
7

8 1. Defendant/Mother had Primary Physical custody of Nicholas from
9 August 2015, forward. The court calculated child support of Nicholas based on
10 Joint Physical from December 2015 through January 2016, however,
11 Plaintiff/Father's calculation was based on 18% of his income, which is an
12 acknowledgment Defendant/Mother had Primary Physical custody of Nicholas.
13

14 2. Plaintiff/Father was unemployed August 2015 through January 2016.
15

16 3. Plaintiff/Father's date of hire was January 4, 2016.
17

18 4. Defendant/Mother pays \$213.00 for the children's health insurance.
19

20 **THE COURT HEREBY ORDERS** as follows:
21

22 1. Defendant Mother's Motion to Make Additional Findings of Fact, or
23 to Alter or Amend the Judgment is granted in part.
24

25 2. The Court calculated Plaintiff/Father owes Defendant/Mother child
26 support, inclusive from August 2015, through December 2015, in the amount of
27 \$2,145.00. From January 2016, through June 2016, Plaintiff/Father owes
28 Defendant/Mother \$7,752.00. These calculations supersede the calculations made

1 from orders from the evidentiary hearing. Beginning July 1, 2016, and every
2 month thereafter, Plaintiff/Father owes Defendant/Mother \$1,260.00 per month.

3 3. Plaintiff/Father's child support shall terminate June 2018. The children
4 are twins and will graduate from high school in June 2018.

5 4. The District Attorney shall do a full audit that conforms to this Order
6 by 5:00 p.m. on July 17, 2017, to determine if Plaintiff/Father has an overpayment
7 credit. The audit shall be filed in this case (D459171).

8 5. Defendant/Mother shall receive a credit of \$208.00 as payment to
9 Plaintiff/Father in May 2017.

10 6. The Supplemental Exhibit for Plaintiff/Father regarding vacation/sick
11 pay was filed in open court. The net amount is \$3,238.71, and it is reduced to
12 judgment plus interest at the legal rate, collectible by any lawful means.

13 7. Attorney Allen's oral request for Defendant/Mother to pay
14 Plaintiff/Father his share of the community property from her PERS retirement is
15 denied due to eligibility.

16 8. Attorney Page shall submit the Findings of Fact from the Evidentiary
17 Hearing that took place on October 31, 2016.

18 9. Attorney's Fees deferred due to upcoming appeal.

19 10. Either party may request a hearing through chambers if a judgment is
20 needed for an offset to refund on child support. Attorney Page shall prepare the


1 Order from today's hearing.

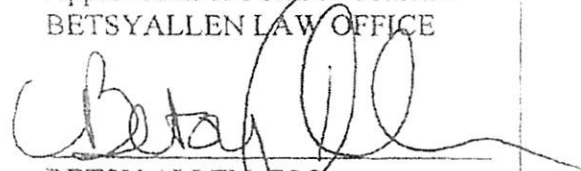
2 DATED this 31 day of July 2017

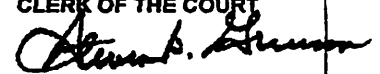
3 
4 DISTRICT COURT JUDGE

5 Respectfully submitted:
6 PAGE LAW OFFICE

7 Approved as to Form & Content:
8 BETSY ALLEN LAW OFFICE

9 
10 FRED PAGE, ESQ.
11 Nevada Bar No.: 6080
12 6145 Spring Mountain Road, Suite 201
13 Las Vegas, Nevada 89146
14 Phone: (702) 469-3278
15 E-mail: fpagelawoffices.com
16 Attorney for Defendant

17 
18 BETSY ALLEN, ESQ.
19 Nevada Bar No.: 6878
20 P.O. Box 46991
21 Las Vegas, Nevada 89114
22 (702) 386-9700
23 Email: betsyallenesq@yahoo.com
24 Attorney for Plaintiff



1 NEO
2 FRED PAGE, ESQ.
3 Nevada Bar: 6080
4 PAGE LAW OFFICE
5 6145 Spring Mountain Road, Suite 201
6 Las Vegas, Nevada 89146
7 Phone: (702) 469-3278
8 Facsimile: (702) 628-9884
9 E-mail: fpagelawoffices.com
10 Attorney for Defendant

11 DISTRICT COURT, FAMILY DIVISION

12 CLARK COUNTY, NEVADA

13 RICHARD KILGORE,

14 Plaintiff,

15 vs.

16 ELENi KILGORE,

17 Defendant.

CASE NO.: D-12-459171-D

DEPT. NO.: I

18 **NOTICE OF ENTRY OF ORDER FROM MARCH 28, 2017, HEARING**

19 TO: RICHARD KILGORE, Plaintiff

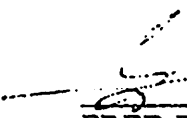
20 TO: BETSY ALLEN, ESQ., Attorney for Plaintiff

21 YOU AND EACH OF YOU please take notice the Order from the March
22 28, 2017, hearing was entered on the 2nd day of August 2017, of which a true and
23
24
25
26
27
28

1 correct copy is attached hereto:

2 DATED this 21st day of August 2017

3 PAGE LAW OFFICE

4
5
6 
7 FRED PAGE, ESQ.
8 Nevada Bar No.: 6080
9 6145 Spring Mountain Road, Suite 201
10 Las Vegas, Nevada 89146
11 (702) 469-3278
12 *Attorney for Defendant*

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 21st day of August 2017,
the foregoing NOTICE OF ENTRY OF ORDER FROM THE MARCH 28, 2017,
HEARING was served pursuant to NRCP 5(b) by placing a true and correct copy
in the United States mail, postage prepaid, to the following:

Betsy Allen, Esq.
P.O. Box 46991
Las Vegas, Nevada 89114
Attorney for Plaintiff



An employee of Page Law Office

Ann. B. Gibson

Attorney for Defendant

☐ Other _____
☐ Deposition After Trial Date _____
☐ Deposition Before Trial Date _____
☐ Defendant's Name _____
☐ Transferred _____
☐ Disposed After Trial Date _____
☐ Judgment Reached by Trial _____

1 Richard Kilgore, was present and was represented by and through his counsel,
2 Betsy Allen. The Court having reviewed the papers and pleadings on file and
3 having entertained oral argument hereby makes the following findings and enters
4 the following orders.
5

6 **THE COURT HEREBY FINDS** as follows:
7

8 1. Defendant/Mother had Primary Physical custody of Nicholas from
9 August 2015, forward. The court calculated child support of Nicholas based on
10 Joint Physical from December 2015 through January 2016, however,
11 Plaintiff/Father's calculation was based on 18% of his income, which is an
12 acknowledgment Defendant/Mother had Primary Physical custody of Nicholas.
13

14 2. Plaintiff/Father was unemployed August 2015 through January 2016.
15

16 3. Plaintiff/Father's date of hire was January 4, 2016.
17

18 4. Defendant/Mother pays \$213.00 for the children's health insurance.
19

20 **THE COURT HEREBY ORDERS** as follows:
21

22 1. Defendant/Mother's Motion to Make Additional Findings of Fact, or
23 to Alter or Amend the Judgment is granted in part.
24

25 2. The Court calculated Plaintiff/Father owes Defendant/Mother child
26 support, inclusive from August 2015, through December 2015, in the amount of
27 \$2,145.00. From January 2016, through June 2016, Plaintiff/Father owes
28 Defendant/Mother \$7,752.00. These calculations supersede the calculations made

1 from orders from the evidentiary hearing. Beginning July 1, 2016, and every
2 month thereafter, Plaintiff/Father owes Defendant/Mother \$1,260.00 per month.

3 3. Plaintiff/Father's child support shall terminate June 2018. The children
4 are twins and will graduate from high school in June 2018.

5 4. The District Attorney shall do a full audit that conforms to this Order
6
7 by 5:00 p.m. on July 17, 2017, to determine if Plaintiff/Father has an overpayment
8 credit. The audit shall be filed in this case (D459171).

9 5. Defendant/Mother shall receive a credit of \$208.00 as payment to
10 Plaintiff/Father in May 2017.

11 6. The Supplemental Exhibit for Plaintiff/Father regarding vacation/sick
12 pay was filed in open court. The net amount is \$3,238.71, and it is reduced to
13 judgment plus interest at the legal rate, collectible by any lawful means.

14 7. Attorney Allen's oral request for Defendant/Mother to pay
15 Plaintiff/Father his share of the community property from her PERS retirement is
16 denied due to eligibility.

17 8. Attorney Page shall submit the Findings of Fact from the Evidentiary
18 Hearing that took place on October 31, 2016.

19 9. Attorney's Fees deferred due to upcoming appeal.

20 10. Either party may request a hearing through chambers if a judgment is
21 needed for an offset to refund on child support. Attorney Page shall prepare the


1 Order from today's hearing.

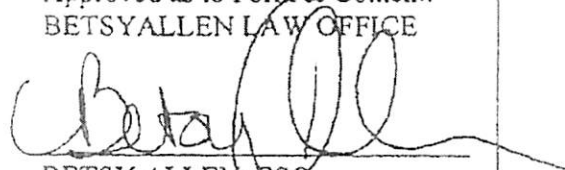
2 DATED this 31 day of July 2017

3 
4 DISTRICT COURT JUDGE

5
6 Respectfully submitted:
7 PAGE LAW OFFICE

8 Approved as to Form & Content:
9 BETSY ALLEN LAW OFFICE

10 
11 FRED PAGE, ESQ.
12 Nevada Bar No.: 6080
13 6145 Spring Mountain Road, Suite 201
14 Las Vegas, Nevada 89146
15 Phone: (702) 469-3278
16 E-mail: fpagel@pagelawoffices.com
17 Attorney for Defendant

18 
19 BETSY ALLEN, ESQ.
20 Nevada Bar No.: 6878
21 P.O. Box 46991
22 Las Vegas, Nevada 89114
23 (702) 386-9700
24 Email: betsyallenesq@yahoo.com
25 Attorney for Plaintiff