

1 **NOAS**

2 Emily McFarling, Esq.
3 Nevada Bar Number 8567
4 **McFARLING LAW GROUP**
5 6230 W. Desert Inn Road
6 Las Vegas, NV 89146
7 (702) 565-4335 phone
8 (702) 732-9385 fax
9 eservice@mcfarlinglaw.com
10 Attorney for Plaintiff,
11 Jose Oscar Salazar

Electronically Filed
Jun 25 2021 09:55 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

7 **EIGHTH JUDICIAL DISTRICT COURT**

8 **FAMILY DIVISION**

9 **CLARK COUNTY, NEVADA**

10 **JOSE OSCAR SALAZAR,**

11 **Plaintiff,**

12 **vs.**

13 **AGUSTINA CERVANTES LANDA,**

14 **Defendant.**

Case Number: D-19-595434-D
Department: U

15 **NOTICE OF APPEAL**

16 **TO: Defendant, Agustina Cervantes Landa, and to her attorney of record, Bret O. Whipple,**

17 **Esq.:**

18 **///**

19 **///**

20 **///**

21 **///**

22 **///**

23 **///**

1 Notice is hereby given that Plaintiff, Jose Oscar Salazar, in the above-named matter,
2 hereby appeals to the Supreme Court of Nevada the following orders:

- 3 1. Decree of Divorce entered in this action on February 11, 2021.
4 2. Order Denying Plaintiff's Motion to Reconsider entered in this action on May 26, 2021.

5 DATED this 22nd day of June, 2021.

6 **McFARLING LAW GROUP**

7 /s/ Emily McFarling

8 Emily McFarling, Esq.
9 Nevada Bar Number 8567
6230 W. Desert Inn Road
Las Vegas, NV 89146
10 (702) 565-4335
Attorney for Plaintiff,
11 Jose Oscar Salazar

12 **CERTIFICATE OF SERVICE**

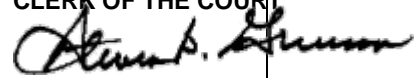
13 The undersigned, an employee of McFarling Law Group, hereby certifies that on this 22nd
14 day of June, 2021, served a true and correct copy of this Notice of Appeal:

15
16 ☒ via mandatory electronic service using the Eighth Judicial District Court's E-file and E-
17 service System to the following:

18 Bret O. Whipple
19 admin@justice-law-center.com

20
21 /s/ Alex Aguilar

22 Alex Aguilar
23
24



ASTA
Emily McFarling, Esq.
Nevada Bar Number 8567
McFARLING LAW GROUP
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335 phone
(702) 732-9385 fax
eservice@mcfarlinglaw.com
Attorney for Plaintiff,
Jose Oscar Salazar

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

JOSE OSCAR SALAZAR,

Plaintiff,

Case Number: D-19-595434-D
Department: U

vs.

AGUSTINA CERVANTES LANDA,

Defendant.

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

Plaintiff, Jose Oscar Salazar.

2. Identify the judge issuing decision, judgment, or order appealed from:

The Honorable Dawn Thorne, Eighth Judicial District Court, Family Division, Department
U.

3. Identify each appellant and the name and address of counsel for each appellant:

Appellant: Jose Oscar Salazar

Attorney for Appellant: Emily McFarling, Esq.

McFarling Law Group
6230 W. Desert Inn Rd.
Las Vegas, NV 89146

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent:

Respondent: Agustina Cervantes Landa

Attorney for Respondent: Brett O. Whipple, Esq.
Justice Law Center
1100 South Tenth St
Las

5. Indicate whether any attorney identified above is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42:

Both attorneys mentioned above are authorized to practice law in Nevada.

6. Indicate whether appellant was represented by retained counsel in the District Court:

Appellant was represented by Rodolfo Gonzalez, Esq. of Gonzalez, Flores, and Associates in the District Court.

7. Indicate whether appellant was represented by retained counsel on the appeal:

Appellant is represented by Emily McFarling, Esq. of McFarling Law Group in the instant appeal.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

No such leave was granted to Appellant.

9. Indicate the date the proceedings commenced in the district court:

August 27, 2019.

1 **10. Provide a brief description of the nature of the action and result in the district court,**
2 **including the type of judgment or order being appealed and the relief granted by the**
3 **district court:**

4 This is an initial divorce action with children. The District Court entered its Divorce Decree
5 on February 11, 2021, and Appellant filed a timely Motion for Reconsideration on February 18,
6 2021. On May 25, 2021, the court entered an Order denying the Motion to reconsider with regards
7 to alimony but granting the motion to reconsider as to the division of assets and debts.

8 **11. Indicate whether the case has previously been the subject of an appeal to or original writ**
9 **proceeding in the Supreme Court and, if so, the caption and Supreme Court docket**
10 **number of the prior proceeding:**

11 This matter has not been the subject of an appeal or original writ proceeding in the Supreme
12 Court.

13 **12. Indicate whether this appeal involves child custody or visitation:**

14 This appeal does not involve child custody or visitation matters.

15 **13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:**

16 This appeal does involve the possibility of settlement and is appropriate for the Settlement
17 Program.

18 DATED this 22nd day of June, 2021.

19 **McFARLING LAW GROUP**

20 /s/ Emily McFarling

21 Emily McFarling, Esq.
22 Nevada Bar Number 8567
23 6230 W. Desert Inn Road
24 Las Vegas, NV 89146
(702) 565-4335
Attorney for Plaintiff,
Jose Oscar Salazar

1

2 **CERTIFICATE OF SERVICE**

3 The undersigned, an employee of McFarling Law Group, hereby certifies that on this 22nd
4 day of June, 2021, served a true and correct copy of this Case Appeal Statement:

5 ☒ via mandatory electronic service using the Eighth Judicial District Court's E-file and E-
6 service System to the following:

7 Bret O. Whipple
8 admin@justice-law-center.com

9
10 /s/ Alex Aguilar
11 Alex Aguilar
12
13
14
15
16
17
18
19
20
21
22
23
24

CASE SUMMARY**CASE NO. D-19-595434-D**

Jose Oscar Salazar, Plaintiff
vs.
Agustina Cervantes Landa, Defendant.

§
 §
 §
 §

Location: **Department U**
 Judicial Officer: **Throne, Dawn R.**
 Filed on: **08/27/2019**
 Case Number History:

CASE INFORMATION**Statistical Closures**

02/11/2021 Judgment Reached (Bench Trial)

Case Type: **Divorce - Complaint**Subtype: **Complaint Subject Minor(s)**

Case
 Status: **02/22/2021 Reopened**








DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number D-19-595434-D
 Court Department U
 Date Assigned 01/04/2021
 Judicial Officer Throne, Dawn R.

PARTY INFORMATION

Plaintiff	Salazar, Jose Oscar	Pro Se 702-755-0087(H)
Defendant	Cervantes Landa, Agustina	Whipple, Bret O <i>Retained</i> 702-731-0000(W)
Subject Minor	Salazar, Jormy Yurenn Salazar, Maybel Anysley Salazar, Mellyarive	

DATE**EVENTS & ORDERS OF THE COURT****EVENTS**

06/22/2021	 Case Appeal Statement <i>Case Appeal Statement</i>
06/22/2021	 Notice of Appeal
06/14/2021	 Notice of Withdrawal Filed by: Counter Claimant Cervantes Landa, Agustina <i>Notice of Withdrawal</i>
05/26/2021	 Notice of Entry of Order Filed By: Counter Defendant Salazar, Jose Oscar <i>Notice of Entry of Order</i>
05/25/2021	 Order <i>Order from March 31, 2021 Hearing</i>
05/11/2021	 Order to Proceed In Forma Pauperis <i>Order to Proceed In Forma Pauperis</i>
05/11/2021	 Ex Parte Application Filed by: Counter Claimant Cervantes Landa, Agustina

CASE SUMMARY

CASE NO. D-19-595434-D

	<i>Ex Parte Application for an Order to Show Cause</i>
05/11/2021	 Motion Filed By: Counter Claimant Cervantes Landa, Agustina <i>Defendant's Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt</i>
05/11/2021	 Application to Proceed in Forma Pauperis Filed By: Counter Claimant Cervantes Landa, Agustina <i>Application to Proceed in Forma Pauperis</i>
03/09/2021	 Opposition Filed By: Attorney Whipple, Bret O; Counter Claimant Cervantes Landa, Agustina <i>Defendant's Opposition to Plaintiff's Motion to Reconsider</i>
03/09/2021	 Family Court Motion Opposition Fee Information Sheet Filed by: Counter Claimant Cervantes Landa, Agustina <i>Landa Cover Sheet - Opposition</i>
02/24/2021	 Certificate of Mailing Filed By: Counter Defendant Salazar, Jose Oscar <i>Certificate of Mailing</i>
02/24/2021	 Notice of Hearing <i>Notice of Hearing</i>
02/23/2021	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice Of Nonconforming Document</i>
02/18/2021	 Motion to Reconsider Filed by: Unbundled Attorney Gonzalez, Rodolfo; Counter Defendant Salazar, Jose Oscar <i>Plaintiff's Motion to Reconsider</i>
02/11/2021	 Notice of Entry Filed By: Counter Defendant Salazar, Jose Oscar <i>Notice of Entry of Decree</i>
02/11/2021	 Decree of Divorce <i>Decree of Divorce</i>
01/04/2021	Administrative Reassignment to Department U <i>Case Reassignment - Judicial Officer Dawn R. Throne</i>
10/26/2020	 Pre-trial Memorandum <i>Defendant's Pre-Trial Memorandum</i>
10/23/2020	 Notice of Appearance Party: Counter Claimant Cervantes Landa, Agustina <i>Notice of Appearance</i>
10/19/2020	 Pre-trial Memorandum Filed By: Counter Defendant Salazar, Jose Oscar <i>Plaintiff's Pre-Trial Memorandum</i>
09/28/2020	 Notice of Entry of Order Filed By: Counter Claimant Cervantes Landa, Agustina <i>Notice of Entry of Order</i>
09/02/2020	 Order <i>Order Granting Motion to Withdraw as Attorneys of Record, to Adjudicate the Rights of Counsel, for Enforcement of Attorney's Lien, and for Judgment of Attorney's Fees</i>
07/24/2020	 Notice Filed By: Counter Claimant Cervantes Landa, Agustina <i>Notice of Withdrawal of Petition for Order Shortening Time</i>

CASE SUMMARY

CASE NO. D-19-595434-D

07/13/2020	 Certificate of Mailing Filed By: Counter Claimant Cervantes Landa, Agustina <i>Certificate of Mailing</i>
07/13/2020	 Petition Filed By: Counter Claimant Cervantes Landa, Agustina <i>Petition For Order Shortening Time</i>
07/10/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
07/09/2020	 Notice of Attorney Lien Filed By: Counter Claimant Cervantes Landa, Agustina <i>Notice of Attorney's Lien</i>
07/09/2020	 Motion Filed By: Counter Claimant Cervantes Landa, Agustina <i>Motion To Withdraw As Attorneys of Record, To Adjudicate The Rights of Counsel, For Enforcement of Attorney's Lien, And For Judgement of Attorney's Fees</i>
07/09/2020	 Notice of Hearing Filed By: Counter Claimant Cervantes Landa, Agustina <i>Notice of Hearing of Motion To Withdraw As Attorneys of Record, To Adjudicate The Rights Of Counsel, For Enforcement of Attorney's Lien, And For Judgement of Attorney's Fees</i>
06/09/2020	 Order for Family Mediation Center Services
03/11/2020	 Order Setting Civil Non-Jury Trial <i>Order Setting Civil Non-Jury Trial</i>
03/06/2020	 Order for Family Mediation Center Services <i>Order for Family Mediation Center Services</i>
03/06/2020	 Notice of Change of Address Filed By: Counter Defendant Salazar, Jose Oscar <i>Notice of Change of Address (FAM)</i>
01/29/2020	 Notice of Entry of Order Filed By: Counter Defendant Salazar, Jose Oscar <i>Notice of Entry of Order</i>
01/29/2020	 Stipulation and Order Filed By: Counter Defendant Salazar, Jose Oscar <i>Stipulation and Order to Continue Hearing</i>
01/20/2020	 Financial Disclosure Form Filed by: Counter Defendant Salazar, Jose Oscar <i>Financial Disclosure Form</i>
01/13/2020	 Notice of Entry of Order <i>Notice of Entry of Order</i>
01/13/2020	 Order <i>Order from November 19th, 2019 Hearing</i>
11/18/2019	 Acceptance of Service Filed by: Counter Defendant Salazar, Jose Oscar <i>Acceptance of Service</i>
11/18/2019	 Opposition Filed By: Counter Defendant Salazar, Jose Oscar <i>Opposition to Plaintiff's Motion for Interim Custody, Child Support, Spousal Support, Exclusive Possession of Marital Residence</i>
10/29/2019	

CASE SUMMARY

CASE NO. D-19-595434-D

		Affidavit of Service Filed By: Counter Claimant Cervantes Landa, Agustina <i>Affidavit of Service</i>
10/23/2019		Order Filed By: Counter Claimant Cervantes Landa, Agustina <i>Order Shortening Time</i>
10/21/2019		Ex Parte Motion Filed by: Counter Claimant Cervantes Landa, Agustina <i>EX Parte Motion for Order Shortening Time</i>
10/21/2019		Supplement Filed by: Counter Claimant Cervantes Landa, Agustina <i>Supplement to Motion for Orders</i>
10/17/2019		Certificate of Mailing Filed By: Counter Claimant Cervantes Landa, Agustina <i>Certificate of Mailing</i>
10/11/2019		NRCP 16.2 Case Management Conference <i>Order Setting Case Management Conference and Directing Compliance with NRCP 16.2</i>
10/10/2019		Notice of Hearing <i>Notice of Hearing</i>
10/09/2019		Notice Filed By: Counter Claimant Cervantes Landa, Agustina <i>Notice of Lis Pendens</i>
10/09/2019		Certificate of Mailing Filed By: Counter Claimant Cervantes Landa, Agustina <i>Certificate of Mailing</i>
10/09/2019		Answer and Counterclaim - Divorce, Annulment, Separate Maint Filed by: Counter Claimant Cervantes Landa, Agustina <i>Answer to Complaint for divorce and Uccjea declaration (with children; counterclaim for divorce)</i>
10/09/2019		Financial Disclosure Form Filed by: Counter Claimant Cervantes Landa, Agustina <i>General Financial Disclosure Form</i>
10/09/2019		Motion Filed By: Counter Claimant Cervantes Landa, Agustina <i>Motion for orders for interim custody, child support, spousal support, exclusive possession of the material residence, Attorney's fees, non-disparagement, and lis pendens</i>
09/11/2019		Affidavit of Service Filed By: Counter Defendant Salazar, Jose Oscar <i>Affidavit of Service</i>
08/27/2019		Summons Issued Only Filed by: Counter Defendant Salazar, Jose Oscar <i>Summons Issued Only</i>
08/27/2019		Complaint for Divorce Filed by: Counter Defendant Salazar, Jose Oscar <i>Complaint for Divorce and UCCJEA Declaration</i>



DISPOSITIONS

09/02/2020 **Judgment** (Judicial Officer: Brown, Lisa)
Judgment (\$17,118.01, In Full , Attorney Fees and Costs)

CASE SUMMARY

CASE NO. D-19-595434-D

HEARINGS

- 08/16/2021 **Status Check** (9:30 AM) (Judicial Officer: Throne, Dawn R.)
STATUS CHECK: RE ORDER
- 06/16/2021 **CANCELED Motion** (10:30 AM) (Judicial Officer: Throne, Dawn R.)
Vacated
Defendant's Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt
- 06/11/2021  **Minute Order** (4:54 PM) (Judicial Officer: Throne, Dawn R.)
 Minute Order - No Hearing Held;
 Journal Entry Details:
NRCP 1 and EDCR 1.10 state that the procedures in district court shall be administered to secure efficient, just, and inexpensive determinations in every action and proceeding. On January 4, 2021, this case was administratively reassigned to Family Division Dept. U, Hon. Dawn R. Throne. On May 11, 2021, Defendant filed a Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt and an Ex Parte Application for an Order to Show Cause. Defendant's Motion for an Order to Enforce requested a hearing date and time of June 16, 2021 at 10:30 AM. THE COURT FINDS that a hearing on Defendant's Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt was subsequently set on June 16, 2021 at 10:30 AM. THE COURT FINDS that as of June 11, 2021, there is no Proof of Service filed showing that Plaintiff was served with Defendant's Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt or notice of the June 16 at 10:30 AM hearing. THE COURT FINDS that without proof that Plaintiff was properly served with Defendant's Motion, the Court is without jurisdiction to hear Defendant's Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt. Therefore, IT IS ORDERED that the hearing set on Defendant's Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt on June 16, 2021 at 10:30 AM is VACATED. Defendant may re-notice her Motion through the Clerk's Office to get a new hearing date. Defendant must properly serve Plaintiff with the Motion, the Re-notice, and Notice of the hearing and file proof of service with the Court before a hearing on Defendant's Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt can proceed. A copy of this minute order shall be provided to both parties. SO ORDERED. ;
- 03/31/2021  **All Pending Motions** (9:00 AM) (Judicial Officer: Throne, Dawn R.)
PLATFF'S MOTION TO RECONSIDER...DEFT'S OPPOSITION TO PLATFF'S MOTION TO RECONSIDER

MINUTES

Matter Heard;
 Journal Entry Details:

PLAINTIFF'S MOTION TO RECONSIDER...DEFENDANT'S OPPOSITION Minutes prepared from the JAVS video record by court clerk Hilary Moffett, who was not present during the hearing. Matter heard via videoconference. Court certified interpreters Alicia Herrera and Cristina Ranuschio provided services for Plaintiff and Defendant, respectively. Arguments were made regarding the orders concerning spousal support and division of marital assets as set forth in the decree. Court noted that there is no basis to reconsider alimony. Court further noted that neither party filed an updated financial disclosure form. With regard to Plaintiff's ability to pay, Court noted that Plaintiff is choosing to support two adult children, who could either be contributing or living on their own. Court noted that Plaintiff is not entitled to an offset for the trailer as the Court found that there was a type of financial malfeasance on the part of Plaintiff regarding the trailer. Court further noted that it made a mathematical error in dividing and equalizing the assets, which will be corrected in today's order. Court noted that certain provisions regarding the two houses need to be clarified as they were not included in the decree. Court finds that it has continuing jurisdiction over the house issue. Court noted that Defendant should file a lis pendens to prevent Plaintiff from selling either property from under her. COURT ORDERED: 1. The motion to reconsider with regard to alimony is DENIED. 2. The motion to reconsider with regard to assets and debts is GRANTED to correct the mathematical error. Plaintiff owes Defendant \$38,999.50 to equalize the equity in both houses. This sum shall be REDUCED TO JUDGMENT against Plaintiff, and shall accrue legal interest retroactively from 2/11/21, when the decree was entered. 3. If Plaintiff has not paid Defendant the equalization amount in full by 8/2/21, the property located at 3127 Panocha St shall be sold and Defendant shall be paid, from the proceeds, the remainder of the amount due to her. Any remaining proceeds shall be Plaintiff's sole and separate property. 4. Defendant shall be solely responsible for the mortgage associated with the property located at 1600 Ardmore St, which

CASE SUMMARY**CASE NO. D-19-595434-D**

was awarded to Defendant in the decree. 5. Defendant shall have 120 days to refinance the mortgage on the Ardmere property into her own name, or to sell the property. Plaintiff shall sign a quitclaim deed as needed in order for Defendant to refinance. If Defendant fails to refinance by 8/2/21, Plaintiff shall list the home for sale. Once sold, Defendant shall receive 100% of the proceeds. If Defendant elects to sell the property instead of refinancing the mortgage, Plaintiff shall cooperate and sign any documents necessary to facilitate the sale. 6. Plaintiff shall continue to make the mortgage payments on the Ardmere property until the house is either refinanced or sold. As Plaintiff represented in his motion that the current mortgage payment is \$837.00, Plaintiff shall be credited \$456.00 per month toward his alimony obligation and \$381.00 per month toward the equalizing note while he is making these mortgage payments. 7. Court clarified that Plaintiff does not owe alimony arrears as he has been making mortgage payments on the Ardmere property since January 1, when his alimony obligation commenced. 8. A status check is SET for 8/16/21 at 9:30 a.m. Mr. Gonzalez shall prepare the order from today's hearing.;

SCHEDULED HEARINGS**Status Check** (08/16/2021 at 9:30 AM) (Judicial Officer: Throne, Dawn R.)

STATUS CHECK: RE ORDER

03/31/2021

Opposition (9:00 AM) (Judicial Officer: Throne, Dawn R.)

Defendant's Opposition to Plaintiff's Motion to Reconsider
Matter Heard; see all pending motions 3/31/21

03/31/2021

Motion (9:00 AM) (Judicial Officer: Throne, Dawn R.)

Plaintiff's Motion to Reconsider

MINUTES

Matter Heard; see all pending motions 3/31/21

12/21/2020

**Minute Order** (8:30 AM) (Judicial Officer: Brown, Lisa)

Minute Order - No Hearing Held;

Journal Entry Details:

MINUTE ORDER: NO HEARING HELD This matter was scheduled for non-jury trial on October 26, 2020 and November 16, 2020. Following receipt of testimony and evidence, this Court took the matter under advisement. Having reviewed the pleadings and papers before it, heard testimony and received evidence, this Court issues its findings of fact and conclusions of law. On August 27, 2019, Plaintiff filed his Complaint for Divorce. The Court FINDS, pursuant to NRS 125.020, the both parties are residents of the State of Nevada and intend to make Nevada their home for an indefinite period of time. The Court further FINDS there are currently three remaining minor children who have resided in Nevada for a period of six months or more and that Nevada has the necessary UCCJEA jurisdiction to enter custody and visitation orders as required by NRS 125C.010(1)(b). The Court FINDS, on March 12, 2001, the parties married in the state of Nevada. The Court FINDS there are no adoptive children and Defendant is not, to the best of her knowledge, currently pregnant. There is no dispute the parties are incompatible and reconciliation is impossible. The Court FINDS the parties have two adult children, ages 19 and 20 years, both of whom testified at trial in this matter. The Court FINDS, on January 13, 2020, a written stipulation and order following hearing was filed wherein Plaintiff agreed to maintain the mortgage and household expenses while the parties were cohabitating in the 3127 Panocha Street (Panocha Residence) residence. In any action for determining physical custody of a minor child, the sole consideration of this Court is the best interest of the child. See NRS 125C.0035(1). In determining the best interest of the child, the Court shall consider and set forth specific findings pursuant to NRS 125C.0035(4). The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody. The Court FINDS the three minor children, ages 11, 14 and 16, are of sufficient age and capacity to form an intelligent preference as to physical custody. The Court FINDS, on July 14, 2020, a FMC Child Interview was ordered for the two eldest children, ages 16 and 11 years. The Court FINDS, the eldest child, preferred no set visitation schedule with the eleven-year old child affirmatively stated she preferred to reside primarily with Plaintiff. The Court FINDS this factor weighs in Plaintiff's favor. Any nomination of a guardian for the child by a parent. The Court FINDS this factor is not applicable to this case. Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent. The Court FINDS both parties have the ability to cooperate to allow the children to have frequent associations and a continuing relationship with the non-custodial parent. The level of conflict between the parents. The Court FINDS the level of conflict between the parties is moderate and based primarily on the instant litigation. The ability of the parents to cooperate to meet the needs of the child. The Court FINDS the parties have the ability to cooperate to meet the needs of the minor children. The mental and physical health of the parents. The Court FINDS both parents

CASE SUMMARY**CASE NO. D-19-595434-D**

are in apparent good mental health. The Court FINDS Plaintiff is in good physical health. The Court FINDS Defendant has physical issues related to an auto accident which may or may not cause continued issues in the future. The physical, developmental and emotional needs of the child. The Court FINDS the three minor children have typical physical, development and emotional needs related to their respective ages. The nature of the relationship of the child with each parent. The Court FINDS, in the FMC child interview, the two eldest children articulated disappointment with Defendant's choices and lack of consistency. The ability of the child to maintain a relationship with any sibling. The Court FINDS the minor children have two adult siblings, also of this relationship. The Court FINDS the adult children reside with Plaintiff. Any history of parental abuse or neglect of the child or a sibling of the child. The Court FINDS this factor does not apply to the facts of this case. Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child. The Court FINDS Defendant alleged domestic violence in her underlying pleadings. The Court FINDS Defendant failed to establish by clear and convincing evidence at trial that any domestic violence occurred. Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child. The Court FINDS this factor is not applicable to this case. In considering custody orders, the Court may consider other factors in making its determination. As such, the Court FINDS, and Defendant concedes, she was deported in 2001. The Court FINDS, and the parties concede, the three youngest children were conceived in Mexico during Plaintiff's visits. The Court FINDS, however, Defendant listed another man as the children's natural father. The Court FINDS Defendant told the three youngest children the other man listed on the birth certificates was their biological father. The Court FINDS paternity is not disputed in this case but further FINDS Defendant was not credible as to the reasons she listed another party as the children's natural father nor was she, generally, credible during trial. Last, the Court FINDS, on May 5, 2020, the parties mediated a Partial Parenting Agreement wherein they agreed to share joint legal custody of the minor children and agreed to a limited holiday/vacation timeshare. However, it does not appear the Partial Parenting Agreement was ever executed or filed. Therefore, based on the foregoing, the Court FINDS the parties have agreed to share joint legal custody. Therefore, there being no dispute, the Court ORDERS the parties to share joint legal custody. However, taking into account NRS 125C.0035(4) factors, the child interview and additional factors set forth above, the Court FINDS it in the children's best interest for Plaintiff to have primary physical custody. Therefore, the Court ORDERS Plaintiff shall have primary physical custody. The Court ORDERS the two eldest children, Mellyarive and Maybel, shall have teenage discretion as to visitation with Defendant. The Court ORDERS Defendant shall have appropriate bedrooms and beds prior to any overnight visitation. Defendant shall have visitation with the youngest child, Jormy, every Friday at 6 p.m. to Sunday at 6 p.m. The parties shall follow the holiday schedule from this department, which will be provided to both counsel. The Court FINDS Defendant's GMI is \$800 per month. Therefore, Defendant's child support obligation is \$144.00 per month. Accordingly, Defendant shall pay \$144.00 per month child support effective January 1, 2021. The Court ORDERS Defendant shall have a continuing duty to notify Plaintiff of any change to her earning status and provide Defendant will proof of income, e.g. three (3) paystubs in support of any change. The Court ORDERS Plaintiff shall provide healthcare coverage for the minor children and further ORDERS the parties shall equally split unreimbursed medical expenses, to include premium costs, pursuant to the 30/30 Rule. The Court ORDERS Plaintiff shall be entitled to the dependent tax credit for the children for all years. The Court FINDS Defendant requested an award for spousal support in the sum of \$1,000 per month for a period of ten years or, 120 months. In support of her underlying request, Defendant argued she was a stay at home parent during the marriage and was permanently or partially disabled as a result of a car accident. In considering a request for spousal support, the Court is required to consider, among other relevant information, factors set forth in NRS 125.150(9). The financial condition of each spouse; The Court FINDS Plaintiff is the owner/operator of JOS Trucking with an adjusted gross monthly income (GMI) OF \$3,635.83 based on his net receipts after business-related expenses. The Court FINDS Defendant was not employed following an auto accident but testified she currently earns \$800 per month in housekeeping. The nature and value of the respective property of each spouse; The Court FINDS this factor is not applicable to this matter save for Plaintiff's assertion he is entitled to the Ardmore Residence as his sole and separate property as discussed in more detail, below. The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030; The Court FINDS this factor is applicable to the two residential properties subject of this litigation. The duration of the marriage; The Court FINDS the parties have been married for a period of nineteen years. The income, earning capacity, age and health of each spouse; The Court FINDS Plaintiff is 42 years of age, with a high school diploma and the ability to work. The Court FINDS Defendant is 49 years of age, with a Bachelor of Arts college degree but allegedly unable to work due to an auto injury which resulted in severe back injuries. The standard of living during the marriage; The Court FINDS no testimony was

CASE SUMMARY**CASE NO. D-19-595434-D**

provided related to this factor. The career before the marriage of the spouse who would receive the alimony; The Court FINDS the Defendant did not have a specialized career during the course of the marriage. The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage; The Court FINDS Plaintiff has a high school diploma and is the owner/operator of a trucking company. The Court FINDS Plaintiff did not acquire any specialized education, training or additional marketable skills during the marriage. The Court FINDS Defendant has a college degree. The Court FINDS Defendant did not acquire any specialized education, training or additional marketable skills during the marriage. The contribution of either spouse as homemaker; The Court FINDS Defendant asserted she was primarily a homemaker during the course of the marriage. The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and The Court FINDS there are three minor children as well as several vehicles and two residential properties which are subject of this Court's jurisdiction and orders. The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse. The Court FINDS both parties are in their mid to late-forties and will likely be required to work for a period of at least twenty years or more. The Court FINDS Defendant has asserted injuries which may impact her ability to continue to work in a field requiring physical exertion. Based on the foregoing, the Court FINDS this is a long-term marriage of nineteen (19) years with Defendant having a financial need. The Court further FINDS, in his January 20, 2020 Financial Disclosure Form (FDF), Plaintiff listed \$125,805 in gross business receipts. The Court FINDS, while Plaintiff's business is doing well, his net profit after expenses as \$43,630 or, \$3,635.83 GMI. Therefore, taking into account this Court's orders, contained herein, the Court ORDERS Plaintiff shall pay \$600 per month spousal support for a period of ten years or, 120 months, effective January 1, 2021. The Court ORDERS Defendant's child support obligation shall be subtracted from the ordered spousal support. Also at issue at trial was division of two residential properties: the Panocha Residence and a residence located at 1600 Ardmore Street (Ardmore Residence). Plaintiff argued entitlement to the Ardmore Residence asserting he purchased the residence on May 28, 1999, two years prior to the marriage, and where he asserted Defendant made no financial contributions to the maintenance or costs associated with the residence. Conversely, Defendant asserted that she contributed \$5,000 towards its purchase. The Court FINDS the Ardmore Residence was used as a rental home and is valued at approximately \$142,951 with approximately \$98,000 owed (net value of \$44,951 or, approximately 68% paid off). The Court FINDS the Panocha Residence was the marital residence and is valued at approximately \$277,950 with \$155,000 owed (net value of \$122,950 or, approximately 55% paid off). The Court FINDS, based on their respective FDFs, the parties were in agreement as to the value of both residences. The Court ORDERS Plaintiff shall be entitled to the Panocha Residence as his sole and separate property and Defendant shall be entitled to the Ardmore Residence as her sole and separate property. The Court FINDS the difference in value between the two residences is \$134,999 (Panocha Residence Value \$277,950 Ardmore Residence Value \$142,951 = \$134,999). Based on the differing equity in the residences, the Court ORDERS Defendant shall be entitled to \$60,000 in equity from the Panocha Residence, i.e., Defendant is being awarded a residence she has greater equity and is, therefore, closer to being paid off. The Court FINDS testimony at trial established the parties have already split several vehicles and that each party has a vehicle in his/her possession. The Court FINDS, however, that Defendant claimed an interest in a Cadillac Escalade. The Court FINDS testimony at trial established that the parties' adult children purchased the Escalade for Plaintiff. As such, the Court ORDERS the Cadillac Escalade shall be awarded to Plaintiff as his sole and separate property. The Court FINDS Plaintiff had possession of a tractor trailer valued at approximately \$10,000 and with \$10,000 owed. The Court FINDS testimony established the tractor trailer burned and Plaintiff did not have insurance coverage for the loss. The Court ORDERS Plaintiff shall be solely responsible for the loss of the tractor trailer which burned in his possession and any debt related to it and that Defendant shall be held harmless. The Court hereby ORDERS the bonds of matrimony existing between Plaintiff and Defendant shall be wholly dissolved and an absolute Decree of Divorce is GRANTED and the parties are restored to the status of single, unmarried persons. Pursuant to EDCR 5.522, Plaintiff shall prepare findings of fact, conclusion of law and decree comporting with these minutes and Defendant shall review and countersign. CLERK'S NOTE: A copy of this Minute Order was emailed to Plaintiff and Counsel. (jv 12/21/20);

10/26/2020

**Non-Jury Trial (9:00 AM) (Judicial Officer: Brown, Lisa)****10/26/2020, 11/16/2020**

Custody and Finances

MINUTES

Under Advisement;

Journal Entry Details:

CASE SUMMARY

CASE NO. D-19-595434-D


NON-JURY TRIAL: CUSTODY AND FINANCES. BlueJeans/video hearing. Testimony and exhibits presented per the worksheets. COURT ORDERED, as follows: Proposed Order and Findings shall be submitted by counsel by 11-30-20. MATTER TAKEN UNDER ADVISEMENT. ;

08/25/2020

CANCELED Motion (10:00 AM) (Judicial Officer: Brown, Lisa)
Vacated

Motion To Withdraw As Attorneys of Record, To Adjudicate The Rights of Counsel, For Enforcement of Attorney's Lien, And For Judgement of Attorney's Fees


08/24/2020

 **Minute Order** (4:00 PM) (Judicial Officer: Brown, Lisa)

Minute Order - No Hearing Held;
Journal Entry Details:

Salazar v. Cervantes Landa D595434 MINUTE ORDER - NO HEARING HELD. This matter is scheduled for August 25, 2020 on attorney Christy Brad Escobar's July 9, 2020 Motions to Withdraw as Attorney of Record for Defendant, to Adjudicate the Rights of Counsel, for Enforcement of Attorney's Lien and for Judgment of Attorney Fees. In his motion, Mr. Escobar provided a court-listed address for Defendant. Attached to the motion was a Certificate of Service by mail to Plaintiff attorney of record as well as to Defendant's court-listed address. The time for filing any opposition has passed and no opposition has been filed. Having reviewed the papers and pleadings before it and, good cause appearing, the Court issues its findings and order. The Court FINDS, on July 9, 2020, Mr. Escobar filed a Notice of Attorney's Lien in the sum of \$17,118.01. Attached to the Notice was a Certificate of Service by USPS/Certified Return Receipt Requested to Defendant's court-listed address and to Plaintiff's attorney of record. Therefore, based on the foregoing the Court GRANTS Mr. Escobar's request for adjudication of the attorney lien in the sum of \$17,118.01, said sum ORDERED reduced to judgment. The Court further GRANTS Mr. Escobar's motion to withdraw as counsel of record for Defendant. Based on the foregoing order, the Court ORDERS the August 25, 2020 hearing VACATED. Pursuant to EDCR 5.522(a), Mr. Escobar shall prepare and submit an order within seven (7) days of receipt of these minutes. Clerk's Note: Per the Court, hearing 8-25-20 vacated and a copy of the minutes to be forwarded to parties/counsel mail/e-mail address on file. /sa;


07/23/2020

 **Return Hearing** (10:00 AM) (Judicial Officer: Brown, Lisa)

Events: 06/09/2020 Order for Family Mediation Center Services
FMC Child Interview
Matter Continued;
Journal Entry Details:

RETURN HEARING: FMC CHILD INTERVIEW. Parties appeared telephonically. China A.N. Amie, Esq., Nevada Bar No.: 14820, present on behalf of Defendant. Ms. Amie stated that Defendant is not available (COVID-19 testing) and Court interpreter was present at her office. Mr. Gonzalez does not object to Ms. Amie's withdrawal. The Court stated that counsels to discuss pending issues and therefore, COURT ORDERED, as follows: MATTER CONTINUED and SET 8-25-20 at 10:00 a.m.;

06/09/2020

 **Return Hearing** (11:00 AM) (Judicial Officer: Brown, Lisa)

FMC Mediation and Child Interview
Matter Heard;
Journal Entry Details:

RETURN HEARING: FMC MEDIATION AND CHILD INTERVIEW Judge Brown, Plaintiff and his unbundled attorney, Rodolfo Gonzalez, Esq., Defendant and her attorney, China Amie, Esq., appeared telephonically. Interpreters were present with each party at their attorney's offices. Court noted child interviews stopped with COVID-19. Court noted the parties reached a Partial Parenting Agreement in mediation. Counsel advised they have not seen that agreement. Court noted the Partial Parenting Agreement will be forwarded to counsel by email. COURT ORDERED, Parties RE-REFERRED to Family Mediation Center for CHILD INTERVIEWS. Order for Family Mediation Center Services FILED IN OPEN COURT. Return date SET 7/23/20 at 10:00 a.m. Statements by counsel. PER STIPULATION, the parties will abide by a BEHAVIOR ORDER and non-disparagement language will be included. Counsel shall draft and agree to a Behavior Order.;

03/06/2020

 **All Pending Motions** (11:00 AM) (Judicial Officer: Brown, Lisa)

Matter Heard;
Journal Entry Details:

MOTION: MOTION FOR ORDERS FOR INTERIM CUSTODY, CHILD SUPPORT, SPOUSAL SUPPORT, EXCLUSIVE POSSESSION OF THE MATERIAL RESIDENCE,

CASE SUMMARY

CASE No. D-19-595434-D

ATTORNEY'S FEES, ON-DISPARAGEMENT, AND LIS PENDENS... OPPOSITION: PLAINTIFF'S OPPOSITION TO PLAINTIFF'S MOTION FOR INTERIM CUSTODY, CHILD SUPPORT, SPOUSAL SUPPORT, EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE, ATTORNEY'S FEES, NON-DISPARAGEMENT, AND LIS PENDENS... CASE MANAGEMENT CONFERENCE. Rodolfo Gonzalez, Esq., Nevada Bar No.: 12751, present on behalf of Plaintiff. Court Interpreter (Spanish), Irma Sanchez-Gastelum, present on behalf of Plaintiff. China Amie, Esq., Nevada Bar No.: 14820, present on behalf of Defendant. Court Interpreter (Spanish), Yul Haasman, present on behalf of Defendant. CASE TRAILED. CASE RESUMED. The Court stated that a Senior Judge Settlement Conference to be requested and SET with notice to counsel/parties and therefore, COURT ORDERED, as follows: Parties REFERRED to Family Mediation Center (FMC) for MEDIATION and CHILD INTERVIEW for minor children, Mellyarive Salazar and Maybel A. Salazar. Return hearing (FMC mediation and child interview) SET 6-9-20 at 11:00 a.m. Non-Jury Trial (Custody and finances) SET 10-26-20 at 9:00 a.m. (Full day). A Scheduling Order to issue: Close of discovery is on 9-25-20 and Pre-Trial Memorandums and Exhibits are due on 10-19-20. Clerk's Note: Per the Court, the department notified as to Senior Judge Settlement conference to be set with notice to the counsel/parties,;

11/19/2019



All Pending Motions (9:00 AM) (Judicial Officer: Hardcastle, Kathy)

Matter Heard;

Journal Entry Details:

CASE MANAGEMENT CONFERENCE... MOTION: MOTION FOR ORDERS FOR INTERIM CUSTODY, CHILD SUPPORT, SPOUSAL SUPPORT, EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE, ATTORNEY'S FEES, NON-DISPARAGEMENT, AND LIS PENDENS... OPPOSITION PLAINTIFF'S OPPOSITION TO PLAINTIFF'S MOTION FOR INTERIM CUSTODY, CHILD SUPPORT, SPOUSAL SUPPORT, EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE, ATTORNEYS FEES, NON-DISPARAGEMENT, AND LIS PENDENS. China Amie, Esq., Nevada Bar No.: 14820, present along with Plaintiff's counsel. Spanish Court Interpreter, Magdalena Becerra, present with Defendant. Counsel stated the parties TEMPORARY STIPULATION as follows: MATTER(S) TRAILED to the Court's calendar in January 2020. Plaintiff shall pay to Defendant the monthly amount of \$250.00 for her. Defendant shall provide Plaintiff with receipts as to the utilization of the \$250.00. The parties shall continue to reside together in the home. Plaintiff shall provide Defendant with a house key. Plaintiff shall be responsible for paying for the mortgage payments and household expenses. Per STIPULATION of the parties, COURT ORDERED, as follows: MATTER(S) CONTINUED and SET 1-31-2020 at 11:00 a.m.;

11/19/2019

Opposition (9:00 AM) (Judicial Officer: Brown, Lisa)

11/19/2019, 03/06/2020

Plaintiff's Opposition to Plaintiff's Motion for Interim Custody, Child Support, Spusal Support, Exclusive Possession of the Marital Residence, Attorney's Fees, Non-Disparagement, and Lis Pendens

Matter Continued;

Matter Heard;

Matter Continued;

Matter Heard;

11/19/2019

Case Management Conference (9:00 AM) (Judicial Officer: Brown, Lisa)

11/19/2019, 03/06/2020

Matter Continued;

Matter Heard;

Matter Continued;

Matter Heard;

10/28/2019



Motion (10:30 AM) (Judicial Officer: Brown, Lisa)

10/28/2019, 11/19/2019, 03/06/2020

Motion for orders for interim custody, child support, spousal support, exclusive possession of the material residence, Attorney's fees, non-disparagement, and lis pendens

OST Filed on 10-23-19

Matter Continued;

Matter Continued;

Matter Heard;

OST Filed on 10-23-19

Matter Continued;

Matter Continued;

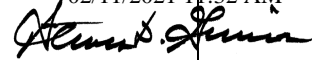
Matter Heard;

CASE SUMMARY**CASE NO. D-19-595434-D**

08/27/2019	<p>OST Filed on 10-23-19 Matter Continued; Matter Continued; Matter Heard; Journal Entry Details: <i>DEFENDANT'S MOTION FOR ORDERS FOR INTERIM CUSTODY, CHILD SUPPORT, SPOUSAL SUPPORT, EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE, ATTORNEY'S FEES, NON-DISPARAGEMENT, AND LIS PENDENS OFF THE RECORD, the Clerk called attorney Escobar's office and China Amie informed Court that Plaintiff was not served. Therefore, based on lack of service, COURT ORDERED, matter CONTINUED TO November 19, 2019, at 9:00 AM.;</i></p> <p>Summons Cervantes Landa, Agustina Served: 09/07/2019</p>
------------	--

DATE**FINANCIAL INFORMATION**

Counter Claimant Cervantes Landa, Agustina Total Charges Total Payments and Credits	222.00 222.00
Balance Due as of 6/24/2021	0.00
Counter Defendant Salazar, Jose Oscar Total Charges Total Payments and Credits	329.00 329.00
Balance Due as of 6/24/2021	0.00
Counter Claimant Cervantes Landa, Agustina Registry/Trust Account-- FM Registry Balance as of 6/24/2021	500.00


CLERK OF THE COURT

DECD
RODOLFO GONZALEZ, ESQ.
Nevada Bar No. 012751
GONZALEZ & FLORES LAW FIRM
879 N. Eastern Ave.
Las Vegas, NV 89101
Tel: 702-778-3030
Fax: 702-920-8657
Rodolfogonzalezlaw@gmail.com
Attorney for Plaintiff *in an unbundled capacity*

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

JOSE OSCAR SALAZAR,

Plaintiff,

vs.

AGUSTINA CERVANTES LANDA,

Defendant.

CASE NO.: D-19-595434-D

DEPT. NO.: F- U

DECREE OF DIVORCE

This cause having come before the Court on a Non-Jury Trial on October 26, 2020 and November 16, 2020, and the Court being advised in the premises, the Court having reviewed the pleadings and files herein, the Court finding all of the allegations contained therein to be true, and that the requirements of Chapter 125.181 of the Nevada Revised Statutes have been met; the Court finds that it has complete jurisdiction as to the subject matter and personal jurisdiction, and all other relevant provisions of Chapter 125.181 of the Nevada Revised Statutes.

THE COURT FINDS that on August 27, 2019, Plaintiff filed his Complaint for Divorce. The Court FINDS, pursuant to NRS 125.020, both parties are residents of the State of Nevada and intend to make Nevada their home for an indefinite period of time. The Court

1 further FINDS there are currently three remaining minor children who have resided in Necada
2 for a period of six months or more and that Nevada has the necessary UCCJEA jurisdiction to
3 enter custody and visitation orders as required by NRS 125C.010(1)(b).
4

5 **THE COURT FINDS** That Plaintiff, JOSE OSCAR SALAZAR (hereinafter referred to
6 as “Plaintiff”) and the Defendant, AGUSTINA CERVANTES LANDA (hereinafter referred to
7 as “Defendant”) were duly and legally married on March 12, 2001, in Las Vegas, Nevada, and
8 ever since said date have been, and now are husband and wife.

9 **THE COURT FINDS** that the Plaintiff and Defendant have become and now are
10 incompatible so to render the marriage impossible for the parties to continue as husband and wife.
11

12 **THE COURT FINDS** that there is three (3) minor children born to the marriage, to wit:

- 13 1. MELLYARIVE SALAZAR, born on October 15, 2004.
- 14 2. MAYBEL SALAZAR, born on June 5, 2006.
- 15 3. JORMY SALAZAR, born on March 15, 2009.
- 16

17 **THE COURT FINDS** that there are no minor children adopted by the parties during the
18 marriage and that Defendant is not now pregnant.

19 **THE COURT FINDS** that the Parties have two adult children, ages 19 and 20 years, both
20 of whom testified at trial in this matter.
21

22 **THE COURT FINDS** that on January 13, 2020, a written stipulation and order following
23 hearing was filed wherein Plaintiff agreed to maintain the mortgage and household expenses
24 while the parties were cohabitating in the 3127 Panocha Street (Panocha Residence) residence.
25

26 **THE COURT FINDS** that in any action for determining physical custody of a minor
27 child, the sole consideration of this Court is the best interest of the child. See NRS 125C.0035(1).
28 In determining the best interest of the child, the Court shall consider and set forth specific findings

1 pursuant to NRS 125C.0035(4).

2 **THE COURT FINDS** that the wishes of the child if the child is of sufficient age and
3 capacity to form an intelligent preference as to his or her physical custody.

4 **THE COURT FINDS** that the three minor children, ages 11, 14 and 16, are of sufficient
5 age and capacity to form an intelligent preference as to physical custody.

6 **THE COURT FINDS** The Court FINDS, on July 14, 2020, a FMC Child Interview was
7 ordered for the two eldest children, ages 16 and 11 years.

8 **THE COURT FINDS** the eldest child, preferred no set visitation schedule with
9 Defendant while the eleven-year-old child affirmatively stated she preferred to reside primarily
10 with Plaintiff.

11 **THE COURT FINDS** that this factor weighs in Plaintiff's favor. Any nomination of a
12 guardian for the child by a parent.

13 **THE COURT FINDS** that this factor is not applicable to this case. Which parent is
14 more likely to allow the child to have frequent associations and a continuing relationship with
15 the noncustodial parent.

16 **THE COURT FINDS** that both parties have the ability to cooperate to allow the children
17 to have frequent associations and a continuing relationship with the non-custodial parent. The
18 level of conflict between the parents.

19 **THE COURT FINDS** that the level of conflict between the Parties is moderate and
20 based primarily on the instant litigation. The ability of the Parents to cooperate to meet the needs
21 of the child.

22 **THE COURT FINDS** the Parties have the ability to cooperate to meet the needs of the
23 minor children. The mental and physical health of the parents.
24
25
26
27
28

1 **THE COURT FINDS** that both Parents are in apparent good mental health.

2 **THE COURT FINDS** that Plaintiff is in good physical health.

3 **THE COURT FINDS** that Defendant has physical issues related to an auto accident
4 which may or may not cause continued issues in the future.
5

6 **THE COURT FINDS** that the physical, developmental and emotional needs of the child.

7 **THE COURT FINDS** that the three minor children have typical physical, development
8 and emotional needs related to their respective ages. The nature of the relationship of the child
9 with each parent.
10

11 **THE COURT FINDS** that in the FMC child interview, the two eldest children
12 articulated disappointment with Defendant's choices and lack of consistency. The ability of the
13 child to maintain a relationship with any sibling. This factor does not apply to the facts of this
14 case.
15

16 **THE COURT FINDS** that whether either parent or any other person seeking physical
17 custody has engaged in an act of domestic violence against the child, a parent of the child or any
18 other person residing with the child. Defendant alleged domestic violence in her underlying
19 pleadings. The Court FINDS Defendant failed to establish by clear and convincing evidence at
20 trial that any domestic violence occurred.
21

22 **THE COURT FINDS** that whether either parent or any other person seeking physical
23 custody has committed any act of abduction against the child or any other child. The Court
24 FINDS this factor is not applicable to this case.

25 **THE COURT FINDS** that in considering custody orders, the Court may consider other
26 factors in making its determination. As such, the Court FINDS, and Defendant concedes, she was
27 deported in 2001. The Court FINDS, and the parties concede, the three youngest children were
28

1 conceived in Mexico during Plaintiff s visits. The Court FINDS, however, Defendant listed
2 another man as the children s natural father. The Court FINDS Defendant told the three youngest
3 children the other man listed on the birth certificates
4 was their biological father. The Court FINDS paternity is not disputed in this case but further
5 FINDS Defendant was not credible as to the reasons she listed another party as the children s
6 natural father nor was she, generally, credible during trial. Last, the Court FINDS, on May 5,
7 2020, the parties mediated a Partial Parenting Agreement wherein they agreed to share joint legal
8 custody of the minor children and agreed to a limited holiday/vacation timeshare. However, it
9 does not appear the Partial Parenting Agreement was ever executed or filed.
10
11

12 **THE COURT FINDS** Therefore, based on the foregoing, the Court FINDS the parties
13 have agreed to share joint legal custody. Therefore, there being no dispute, the Court ORDERS
14 the parties to share joint legal custody. However, taking into account NRS 125C.0035(4) factors,
15 the child interview and additional factors set forth above, the Court FINDS it in the children s
16 best interest for Plaintiff to have primary physical custody. Therefore, the Court ORDERS
17 Plaintiff shall have primary physical custody. The Court ORDERS the two eldest children,
18 Mellyarive and Maybel, shall have teenage discretion as to visitation with Defendant. The Court
19 ORDERS Defendant shall have appropriate bedrooms and beds prior to any overnight visitation.
20 Defendant shall have visitation with the youngest child, Jormy, every Friday at 6 p.m. to Sunday
21 at 6 p.m. The parties shall follow the holiday schedule from this department, which will be
22 provided to both counsel.
23
24

25 **THE COURT FINDS** that Defendant s GMI is \$800 per month. Therefore, Defendant s
26 child support obligation is \$144.00 per month. Accordingly, Defendant shall pay \$144.00 per
27 month child support effective January 1, 2021.
28

1 **THE COURT ORDERS** that Defendant shall have a continuing duty to notify Plaintiff
2 of any change to her earning status and provide Defendant will proof of income, e.g. three (3)
3 paystubs in support of any change.
4

5 **THE COURT ORDERS** that Plaintiff shall provide healthcare coverage for the minor
6 children and further ORDERS the parties shall equally split unreimbursed medical expenses, to
7 include premium costs, pursuant to the 30/30 Rule.

8 **THE COURT ORDERS** that Plaintiff shall be entitled to the dependent tax credit for the
9 children for all years.
10

11 **THE COURT FINDS** that Defendant requested an award for spousal support in the sum
12 of \$1,000 per month for a period of ten years or, 120 months. In support of her underlying
13 request, Defendant argued she was a stay at home parent during the marriage and was
14 permanently or partially disabled as a result of a car accident. In considering a request for
15 spousal support, the Court is required to consider, among other relevant information, factors set
16 forth in NRS 125.150(9).
17

18 **THE COURT FINDS** that the financial condition of each spouse; The Court FINDS
19 Plaintiff is the owner/operator of JOS Trucking with an adjusted gross monthly income (GMI)
20 OF \$3,635.83 based on his net receipts after business-related expenses. Defendant was not
21 employed following an auto accident but testified she currently earns \$800 per month in
22 housekeeping.
23

24 **THE COURT FINDS** that nature and value of the respective property of each spouse;
25 this factor is not applicable to this matter save for Plaintiff s assertion he is entitled to the
26 Ardmore Residence as his sole and separate property as discussed in more detail, below.
27
28

1 **THE COURT FINDS** that the contributions of each spouse to any property held by the
2 spouses pursuant to NRS 123.030; this factor is applicable to the two residential properties
3 subject of this litigation.

4 **THE COURT FINDS** that the duration of the marriage; the parties have been married for
5 a period of nineteen years.

6 **THE COURT FINDS** that the income, earning capacity age and health of each spouse;
7 Plaintiff is 42 years of age, with a high school diploma and the ability to work. Defendant is 49
8 years of age, with a bachelor of arts college degree but allegedly unable to work due to an auto
9 injury which resulted in severe back injuries.

10 **THE COURT FINDS** that the standard of living during the marriage; no testimony was
11 provided related to this factor.

12 **THE COURT FINDS** that the career before the marriage of the spouse who would
13 receive the alimony; the Defendant did not have a specialized career during the course of the
14 marriage.

15 **THE COURT FINDS** that the existence of specialized education or training or the level
16 of marketable skills attained by each spouse during the marriage; Plaintiff has a high school
17 diploma and is the owner/operator of a trucking company. The Court FINDS Plaintiff did not
18 acquire any specialized education, training or additional marketable skills during the marriage.
19 Defendant has a college degree. Defendant did not acquire any specialized education, training or
20 additional marketable skills during the marriage.

21 **THE COURT FINDS** that the contribution of either spouse as homemaker; Defendant
22 asserted she was primarily a homemaker during the course of the marriage. The award of property
23 granted by the court in the divorce, other than child support and alimony, to the spouse who would
24

1 receive the alimony.

2 **THE COURT FINDS** that there are three minor children as well as several vehicles and
3 two residential properties which are subject of this Court jurisdiction and orders. The physical
4 and mental condition of each party as it relates to the financial conditions, health and ability to
5 work of that spouse.
6

7 **THE COURT FINDS** that both parties are in their mid to late-forties and will likely be
8 required to work for a period of at least twenty years or more. Defendant has asserted injuries
9 which may impact her ability to continue work in a field requiring physical exertion.
10

11 **THE COURT FINDS** that Based on the foregoing, the Court FINDS this is a long-term
12 marriage of nineteen (19) years with Defendant having a financial need. The Court further
13 FINDS, in his January 20, 2020 Financial Disclosure Form (FDF), Plaintiff listed \$125,805 in
14 gross business receipts. The Court FINDS, while Plaintiff's business is doing well, his net profit
15 after expenses as \$43,630 or, \$3,635.83 GMI.
16

17 **THE COURT ORDERS** that Plaintiff shall pay \$600 per month spousal support for a
18 period of ten years or, 120 months, effective January 1, 2021. Defendant's child support
19 obligation shall be subtracted from ordered spousal support.

20 **THE COURT FINDS** that the Ardmore Residence was used as a rental home and is
21 valued at approximately \$142,951 with approximately \$98,000 owed (net value of \$44,951 or,
22 approximately 68% paid off). The Court FINDS the Panocha Residence was the marital
23 residence and is valued at approximately \$277,950 with \$155,000 owed (net value of \$122,950
24 or, approximately 55% paid off). The Court FINDS, based on their respective FDFs, the parties
25 were in agreement as to the value of both residences.
26
27
28

1 **THE COURT ORDERS** that Plaintiff shall be entitled to the Panocha Residence as his
2 sole and separate property and Defendant shall be entitled to the Ardmore Residence as her sole
3 and separate property. The Court FINDS the difference in value between the two residences is
4 \$134,999 (Panocha Residence Value \$277,950 Ardmore Residence Value \$142,951 = \$134,999).
5 Based on the differing equity in the residences, the Court ORDERS Defendant shall be entitled
6 to \$60,000 in equity from the Panocha Residence, i.e., Defendant is being awarded a residence
7 the has greater equity and is, therefore, closer to being paid off.
8

9 **THE COURT FINDS** that testimony at trial established the parties have already split
10 several vehicles and that each party has a vehicle in his/her possession. The Court FINDS,
11 however, that Defendant claimed an interest in a Cadillac Escalade. The Court FINDS testimony
12 at trial established that the parties adult children purchased the Escalade for Plaintiff.
13

14 **THE COURT ORDERS** that the Cadillac Escalade shall be awarded to Plaintiff as his
15 sole and separate property.
16

17 **THE COURT FINDS** that the Court FINDS Plaintiff had possession of a tractor trailer
18 valued at approximately \$10,000 and with \$10,000 owed. The Court FINDS testimony
19 established the tractor trailer burned and Plaintiff did not have insurance coverage for the loss.
20

21 **THE COURT ORDERS** that Plaintiff shall be solely responsible for the loss of the
22 tractor trailer which burned in his possession any debt related to it and that Defendant shall be
23 held harmless.

24 **NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED**
25 that the bonds of matrimony existing between Plaintiff and Defendant shall be wholly dissolved
26 and an absolute Decree of Divorce is GRANTED and the parties are restored to the status of
27 single, unmarried persons.
28

1 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that any unreimbursed
2 medical, dental, optical, orthodontic, or other health related expense incurred for the benefit of the
3 minor children is to be divided equally between the Parties. Either Party incurring an out of pocket
4 medical expense for the children shall provide a copy of the paid invoice/receipt to the other party
5 within thirty (30) days of incurring such expense. If not tendered within the thirty (30) day period,
6 the Court may consider it a waiver of reimbursement. The other Party will then have thirty (30)
7 days from receipt within which to dispute the expense in writing or reimburse the incurring Party
8 for one-half of the out of pocket expense. If not disputed or paid within the thirty (30) day period,
9 the Party may be subject to a finding of contempt and appropriate sanctions. If the party seeking
10 reimbursement does not bring the claim to the Court's attention within two (2) years of the payment
11 of the expense, reimbursement will be considered waived.

14 **NOTICE IS HEREBY GIVEN** of the following provision of NRS 125C.0045(6): PENALTY
15 FOR VIOLATION OF ORDER: THE ABDUCTION, COCEALMENT OR DETENTION OF A
16 CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY
17 AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited
18 right of custody to a child or any parent having no right of custody to the child who willfully
19 detains, conceals or removes the child from apparent guardian or other person having lawful
20 custody or a right of visitation of the child in violation of an order of this court, or removes the
21 child from the jurisdiction of the court without the consent of either the court or all personal who
22 have the right of custody or visitations is subject to being punished for a category D felony as
23 provided in NRS 193.130.

26 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of October 25,
27 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply
28

1 if a parent abducts or wrongfully retains a child in a foreign country. The parties are also put on
2 notice of the following provision of NRS 125C.0045(8):

3 If a parent of the child lives in a foreign country or has significant commitments in a
4 foreign country:
5

6 (a) The parties may agree, and the court shall include in the order for custody of the child,
7 that the United States is the country of habitual residence of the child for the purposes of
8 applying the terms of the Hague Convention as set forth in subsection 7.

9 (b) Upon motion of one of the parties, the court may order the parent to post a bond if the
10 court determines that the parent poses an imminent risk of wrongfully removing or
11 concealing the child outside the country of habitual residence. The bond must be in an
12 amount determined by the court and may be used only to pay for the cost of locating the
13 child and returning him to his habitual residence if the child is wrongfully removed from
14 or concealed outside the country of habitual residence. The fact that a parent has
15 significant commitments in a foreign country does not create a presumption that the
16 parent poses an imminent risk of wrongfully removing or concealing the child.

17 **NOTICE IS HEREBY GIVEN** that the parties are subject to the relocation
18 requirements of NRS 125C.006 and NRS 125C.0065. If joint or primary physical custody has
19 been established pursuant to an order, judgement or decree of a court and one parent intends to
20 relocate his or her residence to a place outside of this State or to a place within this State that is
21 at such a distance that would substantially impair the ability of the other parent to maintain a
22 meaningful relationship with the child, and the relocating parent desires to take the child with
23 him or her, the relocating parent shall, before relocating: (a) attempt to obtain the written
24 consent of the non-relocating parent to relocate with the child; and (b) if the non-relocating
25 parent refuses to give that consent, petition the court for permission to relocate with the child or
26 obtain primary physical custody. A parent who desires to relocate with a child has the burden
27 of proving that relocating with the child is in the best interest of the child. The court may award
28 reasonable attorney fees and costs to the relocating parent's relocation with the child without
having reasonable grounds for such refusal, or of the purpose of harassing the custodial or
relocating parent. A parent who relocates with a child pursuant to this section without the

1 written consent of the other parent or the permission of the court is subject to the provisions of
2 NRS 200.359.

3 **NOTICE IS HEREBY GIVEN** that the parties are subject to the provisions of NRS
4 31A and 125.007 regarding the collection of delinquent child support payment. That the parties
5 be put on notice that, pursuant to NRS 125.007(2), a parent responsible for paying child support
6 is subject to NRS 31A.025 to 31A.007(2), inclusive, and Sections 2 and 3 of Chapter 31A of the
7 Nevada Revised Statutes, regarding the withholding of wages and commissions for the for the
8 delinquent payment of support. These statutes and provisions require that, if a parent
9 responsible for paying child support is delinquent in paying the support of a child that such
10 person has been ordered to pay, then that person's wages or commissions shall immediately be
11 subject to wage assignment, pursuant to the provision of the above-cited statutes.
12

13 **NOTICE IS HEREBY GIVEN** that either party may request a review of child support
14 every three years.
15

16 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that unless otherwise
17 ordered herein above, each of the parties hereto shall upon request execute any and all
18 documents necessary to effectuate the terms of this stipulated Decree of Divorce. Should either
19 party fail to execute any necessary documents, the Clerk of the Court is empowered to execute
20 the same pursuant to Rule 70 and the party who failed to cooperate will be responsible for all
21 the other party's reasonable attorney's fees and costs to effectuate the execution of the
22 necessary documents.
23

24 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that if any claim,
25 action or proceedings is brought seeking to hold one of the parties hereto liable on account of
26 any debts, obligation, liability, act or omission assumed by the other party, the responsible
27
28

1 party will, at his or her expense, defend the innocent party against any such claim or demand
2 and he or she will indemnify, defend and hold harmless the innocent party. Any debt not listed
3 herein shall be assumed by the party who incurred the debt.
4

5 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that each party shall
6 submit the information required in NRS 125.130 on separate form to the Court. Such info shall
7 be maintained by the Clerk in a confidential manner and not part of the public record.

8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the parties shall
9 submit the information required by NRS 125B.055, NRS 125.130 and, NRS 125.230 on a
10 separate form to the Court and the Welfare Division of the Department of Human Resources
11 within ten days from the date this Decree is filed. Such information shall be maintained by the
12 Clerk in a confidential manner and not part of the public record. The parties shall update the
13 information filed with the Court and the Welfare Division of the Department of Human
14 Resources within ten days should any of that information become inaccurate.
15

16 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** each party
17 acknowledged they have read the Decree and fully understand the contents and accept the same
18 as equitable and just and that there has been no promise, agreement or understanding of either
19 of the Parties to the other except as set forth herein, which have been relied upon by either as a
20 matter of inducement to enter into this agreement, and each party hereto has had the
21 opportunity to be independently advised by their attorney as to the legal effect of this stipulated
22 Decree. The Parties further acknowledge they each either had their own independent counsel or
23 had the opportunity to retain same and have entered into this stipulated Decree without undue
24 influence or coercion, or misrepresentation, or for any other cause except as stated herein.
25

26
27 //
28

NAC 425.165 Notice required in order that pertains to more than one child and does not allocate specific amount to each child. ([NRS 425.620](#)) Any order that pertains to more than one child and does not allocate a specific amount of the total child support obligation to each child must include the following notice:

NOTICE: If you want to adjust the amount of child support established in this order, you MUST file a motion to modify the order with or submit a stipulation to the court. If a motion to modify the order is not filed or a stipulation is not submitted, the child support obligation established in this order will continue until such time as all children who are the subject of this order reach 18 years of age or, if the youngest child who is subject to this order is still in high school when he or she reaches 18 years of age, when the child graduates from high school or reaches 19 years of age, whichever comes first. Unless the parties agree otherwise in a stipulation, any modification made pursuant to a motion to modify the order will be effective as of the date the motion was filed.

(Added to NAC by Div. of Welfare & Supp. Services by R183-18, 10-30-2019, eff. 2-1-2020)

THIS IS A FINAL DECREE OF DIVORCE

//

//

//

//

//

//

//

//

//

//

//

//

//

1 IT IS SO ORDERED this 13 day of January 2021.

2
3 Dated this 11th day of February, 2021

4 

5
6 DISTRICT COURT JUDGE EKS

7 9F8 C49 1874 32B3
8 Dawn R. Throne
District Court Judge

9 Respectfully Submitted By:

10
11 

12
13
14 **RODOLFO GONZALEZ, ESQ.**
15 Nevada Bar No. 012751
Attorney for Plaintiff *in an unbundled capacity*

16
17 

18
19
20 **BRET O WHIPPLE, ESQ.**
Nevada Bar No. 6168
Attorney for Defendant

21
22 

23 **JOSE OSCAR SALAZAR**

24
25 

26 **AGUSTINA CERVANTES LANDA**

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Jose Oscar Salazar, Plaintiff

CASE NO: D-19-595434-D

7 vs.

DEPT. NO. Department U

8 Agustina Cervantes Landa,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Decree of Divorce was served via the court's electronic eFile system to
all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 2/11/2021

15 Rodolfo Gonzalez

rodolfogonzalezlaw@gmail.com

16 Dora Peraza

Doraperazalaw@gmail.com

17 Christy Escobar

chris@escobarlaw.com

18 China Amie

china@cescobarlaw.com

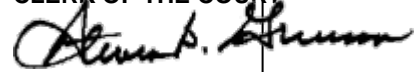
20 Mya Alva

secretary@cescobarlaw.com

21 Rodolfo Gonzalez

Rodolfogonzalezlaw@gmail.com

22
23
24
25
26
27
28



NEO
RODOLFO GONZALEZ, ESQ.
Nevada Bar No. 012751
GONZALEZ & FLORES LAW FIRM

879 N Eastern Avenue
Las Vegas, NV 89101
Tel: 702-778-3030
Fax: 702-920-8657
Rodolfogonzalezlaw@gmail.com

Attorney for Plaintiff *in an unbundled capacity*

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

JOSE OSCAR SALAZAR,

Plaintiff,

vs.

AGUSTINA CERVANTES LANDA,

Defendant.

CASE NO.: D-19-595434-D

DEPT. NO: U

NOTICE OF ENTRY OF DECREE

PLEASE TAKE NOTICE that the on the 11th day of February 2021, this Court entered the Decree of Divorce regarding the above-referenced matter. A copy of the Decree of Divorce is attached hereto.

DATED this 11th day of February 2021.

Respectfully Submitted by:



RODOLFO GONZALEZ, ESQ.

Nevada Bar No. 012751

GONZALEZ & FLORES LAW FIRM

879 N. Eastern Avenue

Las Vegas, NV 89101

Attorney for Plaintiff *in an unbundled capacity*

DECD
RODOLFO GONZALEZ, ESQ.
Nevada Bar No. 012751
GONZALEZ & FLORES LAW FIRM
879 N. Eastern Ave.
Las Vegas, NV 89101
Tel: 702-778-3030
Fax: 702-920-8657
Rodolfogonzalezlaw@gmail.com
Attorney for Plaintiff *in an unbundled capacity*

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

JOSE OSCAR SALAZAR,

Plaintiff,

vs.

AGUSTINA CERVANTES LANDA,

Defendant.

CASE NO.: D-19-595434-D

DEPT. NO.: F- U

DECREE OF DIVORCE

This cause having come before the Court on a Non-Jury Trial on October 26, 2020 and November 16, 2020, and the Court being advised in the premises, the Court having reviewed the pleadings and files herein, the Court finding all of the allegations contained therein to be true, and that the requirements of Chapter 125.181 of the Nevada Revised Statutes have been met; the Court finds that it has complete jurisdiction as to the subject matter and personal jurisdiction, and all other relevant provisions of Chapter 125.181 of the Nevada Revised Statutes.

THE COURT FINDS that on August 27, 2019, Plaintiff filed his Complaint for Divorce. The Court FINDS, pursuant to NRS 125.020, both parties are residents of the State of Nevada and intend to make Nevada their home for an indefinite period of time. The Court

1 further FINDS there are currently three remaining minor children who have resided in Necada
2 for a period of six months or more and that Nevada has the necessary UCCJEA jurisdiction to
3 enter custody and visitation orders as required by NRS 125C.010(1)(b).
4

5 **THE COURT FINDS** That Plaintiff, JOSE OSCAR SALAZAR (hereinafter referred to
6 as “Plaintiff”) and the Defendant, AGUSTINA CERVANTES LANDA (hereinafter referred to
7 as “Defendant”) were duly and legally married on March 12, 2001, in Las Vegas, Nevada, and
8 ever since said date have been, and now are husband and wife.

9 **THE COURT FINDS** that the Plaintiff and Defendant have become and now are
10 incompatible so to render the marriage impossible for the parties to continue as husband and wife.
11

12 **THE COURT FINDS** that there is three (3) minor children born to the marriage, to wit:

- 13 1. MELLYARIVE SALAZAR, born on October 15, 2004.
- 14 2. MAYBEL SALAZAR, born on June 5, 2006.
- 15 3. JORMY SALAZAR, born on March 15, 2009.
- 16

17 **THE COURT FINDS** that there are no minor children adopted by the parties during the
18 marriage and that Defendant is not now pregnant.

19 **THE COURT FINDS** that the Parties have two adult children, ages 19 and 20 years, both
20 of whom testified at trial in this matter.
21

22 **THE COURT FINDS** that on January 13, 2020, a written stipulation and order following
23 hearing was filed wherein Plaintiff agreed to maintain the mortgage and household expenses
24 while the parties were cohabitating in the 3127 Panocha Street (Panocha Residence) residence.
25

26 **THE COURT FINDS** that in any action for determining physical custody of a minor
27 child, the sole consideration of this Court is the best interest of the child. See NRS 125C.0035(1).
28 In determining the best interest of the child, the Court shall consider and set forth specific findings

1 pursuant to NRS 125C.0035(4).

2 **THE COURT FINDS** that the wishes of the child if the child is of sufficient age and
3 capacity to form an intelligent preference as to his or her physical custody.

4 **THE COURT FINDS** that the three minor children, ages 11, 14 and 16, are of sufficient
5 age and capacity to form an intelligent preference as to physical custody.

6 **THE COURT FINDS** The Court FINDS, on July 14, 2020, a FMC Child Interview was
7 ordered for the two eldest children, ages 16 and 11 years.

8 **THE COURT FINDS** the eldest child, preferred no set visitation schedule with
9 Defendant while the eleven-year-old child affirmatively stated she preferred to reside primarily
10 with Plaintiff.

11 **THE COURT FINDS** that this factor weighs in Plaintiff's favor. Any nomination of a
12 guardian for the child by a parent.

13 **THE COURT FINDS** that this factor is not applicable to this case. Which parent is
14 more likely to allow the child to have frequent associations and a continuing relationship with
15 the noncustodial parent.

16 **THE COURT FINDS** that both parties have the ability to cooperate to allow the children
17 to have frequent associations and a continuing relationship with the non-custodial parent. The
18 level of conflict between the parents.

19 **THE COURT FINDS** that the level of conflict between the Parties is moderate and
20 based primarily on the instant litigation. The ability of the Parents to cooperate to meet the needs
21 of the child.

22 **THE COURT FINDS** the Parties have the ability to cooperate to meet the needs of the
23 minor children. The mental and physical health of the parents.
24
25
26
27
28

1 **THE COURT FINDS** that both Parents are in apparent good mental health.

2 **THE COURT FINDS** that Plaintiff is in good physical health.

3 **THE COURT FINDS** that Defendant has physical issues related to an auto accident
4 which may or may not cause continued issues in the future.
5

6 **THE COURT FINDS** that the physical, developmental and emotional needs of the child.

7 **THE COURT FINDS** that the three minor children have typical physical, development
8 and emotional needs related to their respective ages. The nature of the relationship of the child
9 with each parent.
10

11 **THE COURT FINDS** that in the FMC child interview, the two eldest children
12 articulated disappointment with Defendant's choices and lack of consistency. The ability of the
13 child to maintain a relationship with any sibling. This factor does not apply to the facts of this
14 case.
15

16 **THE COURT FINDS** that whether either parent or any other person seeking physical
17 custody has engaged in an act of domestic violence against the child, a parent of the child or any
18 other person residing with the child. Defendant alleged domestic violence in her underlying
19 pleadings. The Court FINDS Defendant failed to establish by clear and convincing evidence at
20 trial that any domestic violence occurred.
21

22 **THE COURT FINDS** that whether either parent or any other person seeking physical
23 custody has committed any act of abduction against the child or any other child. The Court
24 FINDS this factor is not applicable to this case.

25 **THE COURT FINDS** that in considering custody orders, the Court may consider other
26 factors in making its determination. As such, the Court FINDS, and Defendant concedes, she was
27 deported in 2001. The Court FINDS, and the parties concede, the three youngest children were
28

1 conceived in Mexico during Plaintiff s visits. The Court FINDS, however, Defendant listed
2 another man as the children s natural father. The Court FINDS Defendant told the three youngest
3 children the other man listed on the birth certificates
4 was their biological father. The Court FINDS paternity is not disputed in this case but further
5 FINDS Defendant was not credible as to the reasons she listed another party as the children s
6 natural father nor was she, generally, credible during trial. Last, the Court FINDS, on May 5,
7 2020, the parties mediated a Partial Parenting Agreement wherein they agreed to share joint legal
8 custody of the minor children and agreed to a limited holiday/vacation timeshare. However, it
9 does not appear the Partial Parenting Agreement was ever executed or filed.
10
11

12 **THE COURT FINDS** Therefore, based on the foregoing, the Court FINDS the parties
13 have agreed to share joint legal custody. Therefore, there being no dispute, the Court ORDERS
14 the parties to share joint legal custody. However, taking into account NRS 125C.0035(4) factors,
15 the child interview and additional factors set forth above, the Court FINDS it in the children s
16 best interest for Plaintiff to have primary physical custody. Therefore, the Court ORDERS
17 Plaintiff shall have primary physical custody. The Court ORDERS the two eldest children,
18 Mellyarive and Maybel, shall have teenage discretion as to visitation with Defendant. The Court
19 ORDERS Defendant shall have appropriate bedrooms and beds prior to any overnight visitation.
20 Defendant shall have visitation with the youngest child, Jormy, every Friday at 6 p.m. to Sunday
21 at 6 p.m. The parties shall follow the holiday schedule from this department, which will be
22 provided to both counsel.
23
24

25 **THE COURT FINDS** that Defendant s GMI is \$800 per month. Therefore, Defendant s
26 child support obligation is \$144.00 per month. Accordingly, Defendant shall pay \$144.00 per
27 month child support effective January 1, 2021.
28

1 **THE COURT ORDERS** that Defendant shall have a continuing duty to notify Plaintiff
2 of any change to her earning status and provide Defendant will proof of income, e.g. three (3)
3 paystubs in support of any change.
4

5 **THE COURT ORDERS** that Plaintiff shall provide healthcare coverage for the minor
6 children and further ORDERS the parties shall equally split unreimbursed medical expenses, to
7 include premium costs, pursuant to the 30/30 Rule.

8 **THE COURT ORDERS** that Plaintiff shall be entitled to the dependent tax credit for the
9 children for all years.
10

11 **THE COURT FINDS** that Defendant requested an award for spousal support in the sum
12 of \$1,000 per month for a period of ten years or, 120 months. In support of her underlying
13 request, Defendant argued she was a stay at home parent during the marriage and was
14 permanently or partially disabled as a result of a car accident. In considering a request for
15 spousal support, the Court is required to consider, among other relevant information, factors set
16 forth in NRS 125.150(9).
17

18 **THE COURT FINDS** that the financial condition of each spouse; The Court FINDS
19 Plaintiff is the owner/operator of JOS Trucking with an adjusted gross monthly income (GMI)
20 OF \$3,635.83 based on his net receipts after business-related expenses. Defendant was not
21 employed following an auto accident but testified she currently earns \$800 per month in
22 housekeeping.
23

24 **THE COURT FINDS** that nature and value of the respective property of each spouse;
25 this factor is not applicable to this matter save for Plaintiff s assertion he is entitled to the
26 Ardmore Residence as his sole and separate property as discussed in more detail, below.
27
28

1 **THE COURT FINDS** that the contributions of each spouse to any property held by the
2 spouses pursuant to NRS 123.030; this factor is applicable to the two residential properties
3 subject of this litigation.

4 **THE COURT FINDS** that the duration of the marriage; the parties have been married for
5 a period of nineteen years.

6 **THE COURT FINDS** that the income, earning capacity age and health of each spouse;
7 Plaintiff is 42 years of age, with a high school diploma and the ability to work. Defendant is 49
8 years of age, with a bachelor of arts college degree but allegedly unable to work due to an auto
9 injury which resulted in severe back injuries.

10 **THE COURT FINDS** that the standard of living during the marriage; no testimony was
11 provided related to this factor.

12 **THE COURT FINDS** that the career before the marriage of the spouse who would
13 receive the alimony; the Defendant did not have a specialized career during the course of the
14 marriage.

15 **THE COURT FINDS** that the existence of specialized education or training or the level
16 of marketable skills attained by each spouse during the marriage; Plaintiff has a high school
17 diploma and is the owner/operator of a trucking company. The Court FINDS Plaintiff did not
18 acquire any specialized education, training or additional marketable skills during the marriage.
19 Defendant has a college degree. Defendant did not acquire any specialized education, training or
20 additional marketable skills during the marriage.

21 **THE COURT FINDS** that the contribution of either spouse as homemaker; Defendant
22 asserted she was primarily a homemaker during the course of the marriage. The award of property
23 granted by the court in the divorce, other than child support and alimony, to the spouse who would
24

1 receive the alimony.

2 **THE COURT FINDS** that there are three minor children as well as several vehicles and
3 two residential properties which are subject of this Court jurisdiction and orders. The physical
4 and mental condition of each party as it relates to the financial conditions, health and ability to
5 work of that spouse.
6

7 **THE COURT FINDS** that both parties are in their mid to late-forties and will likely be
8 required to work for a period of at least twenty years or more. Defendant has asserted injuries
9 which may impact her ability to continue work in a field requiring physical exertion.
10

11 **THE COURT FINDS** that Based on the foregoing, the Court FINDS this is a long-term
12 marriage of nineteen (19) years with Defendant having a financial need. The Court further
13 FINDS, in his January 20, 2020 Financial Disclosure Form (FDF), Plaintiff listed \$125,805 in
14 gross business receipts. The Court FINDS, while Plaintiff s business is doing well, his net profit
15 after expenses as \$43,630 or, \$3,635.83 GMI.
16

17 **THE COURT ORDERS** that Plaintiff shall pay \$600 per month spousal support for a
18 period of ten years or, 120 months, effective January 1, 2021. Defendant's child support
19 obligation shall be subtracted from ordered spousal support.

20 **THE COURT FINDS** that the Ardmore Residence was used as a rental home and is
21 valued at approximately \$142,951 with approximately \$98,000 owed (net value of \$44,951 or,
22 approximately 68% paid off). The Court FINDS the Panocha Residence was the marital
23 residence and is valued at approximately \$277,950 with \$155,000 owed (net value of \$122,950
24 or, approximately 55% paid off). The Court FINDS, based on their respective FDFs, the parties
25 were in agreement as to the value of both residences.
26
27
28

1 **THE COURT ORDERS** that Plaintiff shall be entitled to the Panocha Residence as his
2 sole and separate property and Defendant shall be entitled to the Ardmore Residence as her sole
3 and separate property. The Court FINDS the difference in value between the two residences is
4 \$134,999 (Panocha Residence Value \$277,950 Ardmore Residence Value \$142,951 = \$134,999).
5 Based on the differing equity in the residences, the Court ORDERS Defendant shall be entitled
6 to \$60,000 in equity from the Panocha Residence, i.e., Defendant is being awarded a residence
7 the has greater equity and is, therefore, closer to being paid off.
8

9 **THE COURT FINDS** that testimony at trial established the parties have already split
10 several vehicles and that each party has a vehicle in his/her possession. The Court FINDS,
11 however, that Defendant claimed an interest in a Cadillac Escalade. The Court FINDS testimony
12 at trial established that the parties adult children purchased the Escalade for Plaintiff.
13

14 **THE COURT ORDERS** that the Cadillac Escalade shall be awarded to Plaintiff as his
15 sole and separate property.
16

17 **THE COURT FINDS** that the Court FINDS Plaintiff had possession of a tractor trailer
18 valued at approximately \$10,000 and with \$10,000 owed. The Court FINDS testimony
19 established the tractor trailer burned and Plaintiff did not have insurance coverage for the loss.
20

21 **THE COURT ORDERS** that Plaintiff shall be solely responsible for the loss of the
22 tractor trailer which burned in his possession any debt related to it and that Defendant shall be
23 held harmless.

24 **NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED**
25 that the bonds of matrimony existing between Plaintiff and Defendant shall be wholly dissolved
26 and an absolute Decree of Divorce is GRANTED and the parties are restored to the status of
27 single, unmarried persons.
28

1 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that any unreimbursed
2 medical, dental, optical, orthodontic, or other health related expense incurred for the benefit of the
3 minor children is to be divided equally between the Parties. Either Party incurring an out of pocket
4 medical expense for the children shall provide a copy of the paid invoice/receipt to the other party
5 within thirty (30) days of incurring such expense. If not tendered within the thirty (30) day period,
6 the Court may consider it a waiver of reimbursement. The other Party will then have thirty (30)
7 days from receipt within which to dispute the expense in writing or reimburse the incurring Party
8 for one-half of the out of pocket expense. If not disputed or paid within the thirty (30) day period,
9 the Party may be subject to a finding of contempt and appropriate sanctions. If the party seeking
10 reimbursement does not bring the claim to the Court's attention within two (2) years of the payment
11 of the expense, reimbursement will be considered waived.

14 **NOTICE IS HEREBY GIVEN** of the following provision of NRS 125C.0045(6): PENALTY
15 FOR VIOLATION OF ORDER: THE ABDUCTION, COCEALMENT OR DETENTION OF A
16 CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY
17 AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited
18 right of custody to a child or any parent having no right of custody to the child who willfully
19 detains, conceals or removes the child from apparent guardian or other person having lawful
20 custody or a right of visitation of the child in violation of an order of this court, or removes the
21 child from the jurisdiction of the court without the consent of either the court or all personal who
22 have the right of custody or visitations is subject to being punished for a category D felony as
23 provided in NRS 193.130.

26 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of October 25,
27 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply
28

1 if a parent abducts or wrongfully retains a child in a foreign country. The parties are also put on
2 notice of the following provision of NRS 125C.0045(8):

3 If a parent of the child lives in a foreign country or has significant commitments in a
4 foreign country:
5

6 (a) The parties may agree, and the court shall include in the order for custody of the child,
7 that the United States is the country of habitual residence of the child for the purposes of
8 applying the terms of the Hague Convention as set forth in subsection 7.

9 (b) Upon motion of one of the parties, the court may order the parent to post a bond if the
10 court determines that the parent poses an imminent risk of wrongfully removing or
11 concealing the child outside the country of habitual residence. The bond must be in an
12 amount determined by the court and may be used only to pay for the cost of locating the
13 child and returning him to his habitual residence if the child is wrongfully removed from
14 or concealed outside the country of habitual residence. The fact that a parent has
15 significant commitments in a foreign country does not create a presumption that the
16 parent poses an imminent risk of wrongfully removing or concealing the child.

17 **NOTICE IS HEREBY GIVEN** that the parties are subject to the relocation
18 requirements of NRS 125C.006 and NRS 125C.0065. If joint or primary physical custody has
19 been established pursuant to an order, judgement or decree of a court and one parent intends to
20 relocate his or her residence to a place outside of this State or to a place within this State that is
21 at such a distance that would substantially impair the ability of the other parent to maintain a
22 meaningful relationship with the child, and the relocating parent desires to take the child with
23 him or her, the relocating parent shall, before relocating: (a) attempt to obtain the written
24 consent of the non-relocating parent to relocate with the child; and (b) if the non-relocating
25 parent refuses to give that consent, petition the court for permission to relocate with the child or
26 obtain primary physical custody. A parent who desires to relocate with a child has the burden
27 of proving that relocating with the child is in the best interest of the child. The court may award
28 reasonable attorney fees and costs to the relocating parent's relocation with the child without
having reasonable grounds for such refusal, or of the purpose of harassing the custodial or
relocating parent. A parent who relocates with a child pursuant to this section without the

1 written consent of the other parent or the permission of the court is subject to the provisions of
2 NRS 200.359.

3 **NOTICE IS HEREBY GIVEN** that the parties are subject to the provisions of NRS
4 31A and 125.007 regarding the collection of delinquent child support payment. That the parties
5 be put on notice that, pursuant to NRS 125.007(2), a parent responsible for paying child support
6 is subject to NRS 31A.025 to 31A.007(2), inclusive, and Sections 2 and 3 of Chapter 31A of the
7 Nevada Revised Statutes, regarding the withholding of wages and commissions for the for the
8 delinquent payment of support. These statutes and provisions require that, if a parent
9 responsible for paying child support is delinquent in paying the support of a child that such
10 person has been ordered to pay, then that person's wages or commissions shall immediately be
11 subject to wage assignment, pursuant to the provision of the above-cited statutes.
12

13 **NOTICE IS HEREBY GIVEN** that either party may request a review of child support
14 every three years.
15

16 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that unless otherwise
17 ordered herein above, each of the parties hereto shall upon request execute any and all
18 documents necessary to effectuate the terms of this stipulated Decree of Divorce. Should either
19 party fail to execute any necessary documents, the Clerk of the Court is empowered to execute
20 the same pursuant to Rule 70 and the party who failed to cooperate will be responsible for all
21 the other party's reasonable attorney's fees and costs to effectuate the execution of the
22 necessary documents.
23

24 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that if any claim,
25 action or proceedings is brought seeking to hold one of the parties hereto liable on account of
26 any debts, obligation, liability, act or omission assumed by the other party, the responsible
27
28

1 party will, at his or her expense, defend the innocent party against any such claim or demand
2 and he or she will indemnify, defend and hold harmless the innocent party. Any debt not listed
3 herein shall be assumed by the party who incurred the debt.
4

5 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that each party shall
6 submit the information required in NRS 125.130 on separate form to the Court. Such info shall
7 be maintained by the Clerk in a confidential manner and not part of the public record.

8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the parties shall
9 submit the information required by NRS 125B.055, NRS 125.130 and, NRS 125.230 on a
10 separate form to the Court and the Welfare Division of the Department of Human Resources
11 within ten days from the date this Decree is filed. Such information shall be maintained by the
12 Clerk in a confidential manner and not part of the public record. The parties shall update the
13 information filed with the Court and the Welfare Division of the Department of Human
14 Resources within ten days should any of that information become inaccurate.
15

16 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** each party
17 acknowledged they have read the Decree and fully understand the contents and accept the same
18 as equitable and just and that there has been no promise, agreement or understanding of either
19 of the Parties to the other except as set forth herein, which have been relied upon by either as a
20 matter of inducement to enter into this agreement, and each party hereto has had the
21 opportunity to be independently advised by their attorney as to the legal effect of this stipulated
22 Decree. The Parties further acknowledge they each either had their own independent counsel or
23 had the opportunity to retain same and have entered into this stipulated Decree without undue
24 influence or coercion, or misrepresentation, or for any other cause except as stated herein.
25

26
27 //
28

1 **NAC 425.165 Notice required in order that pertains to more than one child and does not**
2 **allocate specific amount to each child. ([NRS 425.620](#))** Any order that pertains to more than
3 one child and does not allocate a specific amount of the total child support obligation to each child
must include the following notice:

4 NOTICE: If you want to adjust the amount of child support established in this order, you
5 MUST file a motion to modify the order with or submit a stipulation to the court. If a motion
6 to modify the order is not filed or a stipulation is not submitted, the child support obligation
7 established in this order will continue until such time as all children who are the subject of
8 this order reach 18 years of age or, if the youngest child who is subject to this order is still
9 in high school when he or she reaches 18 years of age, when the child graduates from high
10 school or reaches 19 years of age, whichever comes first. Unless the parties agree otherwise
11 in a stipulation, any modification made pursuant to a motion to modify the order will be
12 effective as of the date the motion was filed.
(Added to NAC by Div. of Welfare & Supp. Services by R183-18, 10-30-2019, eff. 2-1-2020)

13 **THIS IS A FINAL DECREE OF DIVORCE**

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

1 IT IS SO ORDERED this 13 day of January 2021.

2
3 Dated this 11th day of February, 2021

4 

5
6 DISTRICT COURT JUDGE EKS

7 9F8 C49 1874 32B3
8 Dawn R. Throne
District Court Judge

9 Respectfully Submitted By:

10
11 

12
13
14 **RODOLFO GONZALEZ, ESQ.**
15 Nevada Bar No. 012751
Attorney for Plaintiff *in an unbundled capacity*

16
17 

18
19
20 **BRET O WHIPPLE, ESQ.**
Nevada Bar No. 6168
Attorney for Defendant

21
22 

23 **JOSE OSCAR SALAZAR**

24
25 

26 **AGUSTINA CERVANTES LANDA**

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Jose Oscar Salazar, Plaintiff

CASE NO: D-19-595434-D

7 vs.

DEPT. NO. Department U

8 Agustina Cervantes Landa,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Decree of Divorce was served via the court's electronic eFile system to
all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 2/11/2021

15 Rodolfo Gonzalez

rodolfogonzalezlaw@gmail.com

16 Dora Peraza

Doraperazalaw@gmail.com

17 Christy Escobar

chris@escobarlaw.com

18 China Amie

china@cescobarlaw.com

20 Mya Alva

secretary@cescobarlaw.com

21 Rodolfo Gonzalez

Rodolfogonzalezlaw@gmail.com

Heather S. Smith

CLERK OF THE COURT

1 **ORDR**

2 **RODOLFO GONZALEZ, ESQ.**

3 Nevada Bar No. 012751

4 **GONZALEZ & FLORES LAW FIRM**

5 879 N. Eastern Ave.

6 Las Vegas, NV 89101

7 Tel: 702-778-3030

8 Fax: 702-920-8657

9 RodolfoGonzalezLaw@gmail.com

10 Attorney for Plaintiff *in an unbundled capacity*

11 **DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**

14 JOSE OSCAR SALAZAR,

15 Plaintiff,

16 vs.

17 AGUSTINA CERVANTES LANDA,

18 Defendant.

CASE NO.: D-19-595434-D

DEPT. NO.: U

19 **ORDER**

20 This matter having come on for a hearing on March 31, 2021, with Plaintiff, JOSE OSCAR
21 SALAZAR, being present and represented by, RODOLFO GONZALEZ, ESQ., of the
22 GONZALEZ & FLORES LAW FIRM and Defendant, AGUSTINA CERVANTES LANDA,
23 being present and represented by, BRET WHIPPLE, ESQ., of the JUSTICE LAW CENTER. The
24 Court having reviewed the papers and pleading on filed herein, having entertained arguments by
25 the parties, and good cause appearing, therefore.

26 **THE COURT NOTED** that minutes prepared from the JAVS video record by court clerk
27 Hilary Moffet, who was not present during the hearing.

28 **THE COURT NOTED** that matter heard via videoconference.

THE COURT NOTED that Court certified interpreters Alicia Herrera and Cristina
Ranuschio provided services for Plaintiff and Defendant, respectively.

1 **THE COURT NOTED** that arguments were made regarding the order concerning spousal
2 support and division of marital assets as set forth in the decree.

3 **THE COURT NOTED** that there is no basis to reconsider alimony. Court further noted
4 that neither party filed an updated financial disclosure form. With regard to Plaintiff's ability to
5 pay, Court noted that Plaintiff is choosing to support two adult children, who could either be
6 contributing or living on their own.

7 **THE COURT NOTED** that Plaintiff is not entitled to an offset for the trailer as the Court
8 found that there was a type of financial malfeasance on the part of Plaintiff regarding the trailer.
9 Court further noted that it made a mathematical error in dividing and equalizing the assets, which
10 will be corrected in today's order.

11 **THE COURT NOTED** that certain provisions regarding the two houses need to be
12 clarified as they were not included in the decree. Court finds that it has continuing jurisdiction over
13 the house issue.

14 **THE COURT NOTED** that Defendant should file a lis pendens to prevent Plaintiff from
15 selling either property from under her.

16 **THE COURT ORDERED:**

- 17 1. The motion to reconsider with regard to alimony is DENIED.
- 18 2. The motion to reconsider with regard to assets and debts is GRANTED to correct the
19 mathematical error. Plaintiff owes Defendant \$38,999.50 to equalize the equity in both
20 houses. This sum shall be REDUCED TO JUDGMENT against Plaintiff, and shall
21 accrue legal interest retroactively from 2/11/21, when the decree was entered.
- 22 3. If Plaintiff has not paid Defendant the equalization amount in full by 8/2/21, the
23 property located at 3127 Panocha St. shall be sold and Defendant shall be paid, from
24 the proceeds, the remainder of the amount due to her. Any remaining proceeds shall be

1 Plaintiff's sole and separate property.

- 2
- 3 4. Defendant shall be solely responsible for the mortgage associated with the property
- 4 located at 1600 Ardmore St., which was awarded to Defendant in the decree.
- 5
- 6 5. Defendant shall have 120 days to refinance the mortgage on the Ardmore property into
- 7 her own name, or to sell the property. Plaintiff shall sign a quitclaim deed as needed in
- 8 order for Defendant to refinance. If Defendant fails to refinance by 8/2/21, Plaintiff
- 9 shall list the home for sale. Once sold, Defendant shall receive 100% of the proceeds.
- 10 If Defendant elects to sell the property instead of refinancing the mortgage, Plaintiff
- 11 shall cooperate and sign any documents necessary to facilitate the sale.
- 12
- 13 6. Plaintiff shall continue to make the mortgage payments on the Ardmore property until
- 14 the house is either refinanced or sold. As Plaintiff represented in his motion that the
- 15 current mortgage payment is \$837.00, Plaintiff shall be credited \$456.00 per month
- 16 toward his alimony obligation and \$381.00 per month toward the equalizing note while
- 17 he is making these mortgage payments.
- 18
- 19 7. Court clarified that Plaintiff does not owe alimony arrears as he has been making
- 20 mortgage payments on the Ardmore property since January 1, when his alimony
- 21 obligation commenced.
- 22
- 23 8. A status check is SET for 8/16/21 at 9:30am.

24 **THE COURT ORDERED** that Attorney Gonzalez shall prepare the Order from today's

25 hearing.

26 //

27 //

28 //

//

//

Dated this 25th day of May, 2021

IT IS SO ORDERED this ____ day of May, 2021.

JK



DISTRICT COURT JUDGE
9CB 9F5 4AB2 6E07
Dawn R. Throne
District Court Judge

Respectfully Submitted By:



RODOLFO GONZALEZ, ESQ.
Nevada Bar No. 012751
GONZALEZ & FLORES LAW FIRM
879 N. Eastern Ave.
Las Vegas, NV 89101
Attorney for Plaintiff *in an unbundled capacity*



BRET O. WHIPPLE, ESQ.
Nevada Bar No. 6168
JUSTICE LAW CENTER
1100 S. Tenth St.
Las Vegas, NV 89104
Attorney for Defendant

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Jose Oscar Salazar, Plaintiff

CASE NO: D-19-595434-D

7 vs.

DEPT. NO. Department U

8 Agustina Cervantes Landa,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/25/2021

15 Rodolfo Gonzalez

rodolfogonzalezlaw@gmail.com

16 Dora Peraza

Doraperazalaw@gmail.com

17 Christy Escobar

chris@escobarlaw.com

18 China Amie

china@cescobarlaw.com

19 Mya Alva

secretary@cescobarlaw.com

20 Rodolfo Gonzalez

Rodolfogonzalezlaw@gmail.com

21
22
23 If indicated below, a copy of the above mentioned filings were also served by mail
24 via United States Postal Service, postage prepaid, to the parties listed below at their last
known addresses on 5/26/2021

25 Rodolfo Gonzalez

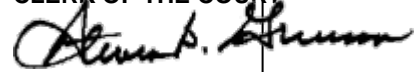
Gonzalez & Flores Law Firm

Attn: Rodolfo Gonzalez

879 N. Eastern Avenue

26 Las Vegas, NV, 89101
27
28

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	



NEOJ
RODOLFO GONZALEZ, ESQ.
Nevada Bar No. 012751
GONZALEZ & FLORES LAW FIRM
879 N. Eastern Ave.
Las Vegas, NV 89101
Tel: 702-778-3030
Fax: 702-920-8657
RodolfoGonzalezLaw@gmail.com
Attorney for Plaintiff in an unbundled capacity

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

JOSE OSCAR SALAZAR,

Plaintiff,

vs.

AGUSTINA CERVANTES LANDA,

Defendant.

CASE NO.: D-19-595434-D

DEPT NO.: U

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on the 25th day of May 2021, this Court entered Order for the March 31, 2021 hearing regarding the above-referenced matter. A copy of Order for the March 31, 2021 hearing is attached hereto.

DATED this 26th day of May 2021.

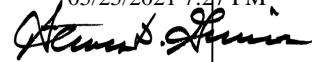
/s/ Rodolfo Gonzalez
RODOLFO GONZALEZ, ESQ.
Nevada Bar No. 012751
GONZALEZ & FLORES LAW FIRM
879 N. Eastern Ave.
Las Vegas, NV. 89101
Tel: 702-778-3030
Fax: 702-920-8657

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

First Class Mail to the following locations:

DATED this 26th of May 2021.

/s/ Dora Peraza


CLERK OF THE COURT

ORDR
RODOLFO GONZALEZ, ESQ.
Nevada Bar No. 012751
GONZALEZ & FLORES LAW FIRM
879 N. Eastern Ave.
Las Vegas, NV 89101
Tel: 702-778-3030
Fax: 702-920-8657
RodolfoGonzalezLaw@gmail.com
Attorney for Plaintiff *in an unbundled capacity*

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

JOSE OSCAR SALAZAR,
Plaintiff,

vs.

AGUSTINA CERVANTES LANDA,
Defendant.

CASE NO.: D-19-595434-D

DEPT. NO.: U

ORDER

This matter having come on for a hearing on March 31, 2021, with Plaintiff, JOSE OSCAR SALAZAR, being present and represented by, RODOLFO GONZALEZ, ESQ., of the GONZALEZ & FLORES LAW FIRM and Defendant, AGUSTINA CERVANTES LANDA, being present and represented by, BRET WHIPPLE, ESQ., of the JUSTICE LAW CENTER. The Court having reviewed the papers and pleading on filed herein, having entertained arguments by the parties, and good cause appearing, therefore.

THE COURT NOTED that minutes prepared from the JAVS video record by court clerk Hilary Moffet, who was not present during the hearing.

THE COURT NOTED that matter heard via videoconference.

THE COURT NOTED that Court certified interpreters Alicia Herrera and Cristina Ranuschio provided services for Plaintiff and Defendant, respectively.

1 **THE COURT NOTED** that arguments were made regarding the order concerning spousal
2 support and division of marital assets as set forth in the decree.

3 **THE COURT NOTED** that there is no basis to reconsider alimony. Court further noted
4 that neither party filed an updated financial disclosure form. With regard to Plaintiff's ability to
5 pay, Court noted that Plaintiff is choosing to support two adult children, who could either be
6 contributing or living on their own.

7 **THE COURT NOTED** that Plaintiff is not entitled to an offset for the trailer as the Court
8 found that there was a type of financial malfeasance on the part of Plaintiff regarding the trailer.
9 Court further noted that it made a mathematical error in dividing and equalizing the assets, which
10 will be corrected in today's order.

11 **THE COURT NOTED** that certain provisions regarding the two houses need to be
12 clarified as they were not included in the decree. Court finds that it has continuing jurisdiction over
13 the house issue.

14 **THE COURT NOTED** that Defendant should file a lis pendens to prevent Plaintiff from
15 selling either property from under her.

16 **THE COURT ORDERED:**

- 17 1. The motion to reconsider with regard to alimony is DENIED.
- 18 2. The motion to reconsider with regard to assets and debts is GRANTED to correct the
19 mathematical error. Plaintiff owes Defendant \$38,999.50 to equalize the equity in both
20 houses. This sum shall be REDUCED TO JUDGMENT against Plaintiff, and shall
21 accrue legal interest retroactively from 2/11/21, when the decree was entered.
- 22 3. If Plaintiff has not paid Defendant the equalization amount in full by 8/2/21, the
23 property located at 3127 Panocha St. shall be sold and Defendant shall be paid, from
24 the proceeds, the remainder of the amount due to her. Any remaining proceeds shall be

1 Plaintiff's sole and separate property.

- 2
- 3 4. Defendant shall be solely responsible for the mortgage associated with the property
- 4 located at 1600 Ardmore St., which was awarded to Defendant in the decree.
- 5
- 6 5. Defendant shall have 120 days to refinance the mortgage on the Ardmore property into
- 7 her own name, or to sell the property. Plaintiff shall sign a quitclaim deed as needed in
- 8 order for Defendant to refinance. If Defendant fails to refinance by 8/2/21, Plaintiff
- 9 shall list the home for sale. Once sold, Defendant shall receive 100% of the proceeds.
- 10 If Defendant elects to sell the property instead of refinancing the mortgage, Plaintiff
- 11 shall cooperate and sign any documents necessary to facilitate the sale.
- 12
- 13 6. Plaintiff shall continue to make the mortgage payments on the Ardmore property until
- 14 the house is either refinanced or sold. As Plaintiff represented in his motion that the
- 15 current mortgage payment is \$837.00, Plaintiff shall be credited \$456.00 per month
- 16 toward his alimony obligation and \$381.00 per month toward the equalizing note while
- 17 he is making these mortgage payments.
- 18
- 19 7. Court clarified that Plaintiff does not owe alimony arrears as he has been making
- 20 mortgage payments on the Ardmore property since January 1, when his alimony
- 21 obligation commenced.
- 22
- 23 8. A status check is SET for 8/16/21 at 9:30am.

24 **THE COURT ORDERED** that Attorney Gonzalez shall prepare the Order from today's

25 hearing.

26 //

27 //

28 //

//

//

Dated this 25th day of May, 2021

IT IS SO ORDERED this ____ day of May, 2021.

JK



DISTRICT COURT JUDGE
9CB 9F5 4AB2 6E07
Dawn R. Throne
District Court Judge

Respectfully Submitted By:



RODOLFO GONZALEZ, ESQ.
Nevada Bar No. 012751
GONZALEZ & FLORES LAW FIRM
879 N. Eastern Ave.
Las Vegas, NV 89101
Attorney for Plaintiff in an unbundled capacity



BRET O. WHIPPLE, ESQ.
Nevada Bar No. 6168
JUSTICE LAW CENTER
1100 S. Tenth St.
Las Vegas, NV 89104
Attorney for Defendant

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Jose Oscar Salazar, Plaintiff

CASE NO: D-19-595434-D

7 vs.

DEPT. NO. Department U

8 Agustina Cervantes Landa,
9 Defendant.

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/25/2021

15 Rodolfo Gonzalez

rodolfogonzalezlaw@gmail.com

16 Dora Peraza

Doraperazalaw@gmail.com

17 Christy Escobar

chris@escobarlaw.com

18 China Amie

china@cescobarlaw.com

19 Mya Alva

secretary@cescobarlaw.com

20 Rodolfo Gonzalez

Rodolfogonzalezlaw@gmail.com

21
22
23 If indicated below, a copy of the above mentioned filings were also served by mail
24 via United States Postal Service, postage prepaid, to the parties listed below at their last
known addresses on 5/26/2021

25 Rodolfo Gonzalez

Gonzalez & Flores Law Firm

Attn: Rodolfo Gonzalez

879 N. Eastern Avenue

26 Las Vegas, NV, 89101
27
28

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

October 28, 2019

D-19-595434-D	Jose Oscar Salazar, Plaintiff vs. Agustina Cervantes Landa, Defendant.
---------------	--

October 28, 2019 10:30 AM Motion

HEARD BY: Brown, Lisa

COURTROOM: Courtroom 05

COURT CLERK: Neida Parker;

PARTIES:

Agustina Cervantes Landa, Defendant, Counter Claimant, not present	Bret Whipple, Attorney, not present
Jormy Salazar, Subject Minor, not present	
Jose Salazar, Plaintiff, Counter Defendant, not present	Pro Se
Maybel Salazar, Subject Minor, not present	
Mellyarive Salazar, Subject Minor, not present	
Rodolfo Gonzalez, Unbundled Attorney, not present	

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR ORDERS FOR INTERIM CUSTODY, CHILD SUPPORT, SPOUSAL SUPPORT, EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE, ATTORNEY'S FEES, NON-DISPARAGEMENT, AND LIS PENDENS

OFF THE RECORD, the Clerk called attorney Escobar's office and China Amie informed Court that Plaintiff was not served. Therefore, based on lack of service, COURT ORDERED, matter CONTINUED TO November 19, 2019, at 9:00 AM.

PRINT DATE:	06/24/2021	Page 1 of 27	Minutes Date:	October 28, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	06/24/2021	Page 2 of 27	Minutes Date:	October 28, 2019
-------------	------------	--------------	---------------	------------------

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

November 19, 2019

D-19-595434-D

Jose Oscar Salazar, Plaintiff

vs.

Agustina Cervantes Landa, Defendant.

**November 19,
2019****9:00 AM****All Pending Motions****HEARD BY:** Hardcastle, Kathy**COURTROOM:** Courtroom 05**COURT CLERK:** Silvia Avena**PARTIES:**Agustina Cervantes Landa, Defendant,
Counter Claimant, present

Christy Escobar, Attorney, present

Jormy Salazar, Subject Minor, not present

Jose Salazar, Plaintiff, Counter Defendant,
present

Pro Se

Maybel Salazar, Subject Minor, not present

Mellyarive Salazar, Subject Minor, not present

Rodolfo Gonzalez, Unbundled Attorney,
present

JOURNAL ENTRIES

- CASE MANAGEMENT CONFERENCE... MOTION: MOTION FOR ORDERS FOR INTERIM CUSTODY, CHILD SUPPORT, SPOUSAL SUPPORT, EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE, ATTORNEY'S FEES, NON-DISPARAGEMENT, AND LIS PENDENS... OPPOSITION PLAINTIFF'S OPPOSITION TO PLAINTIFF'S MOTION FOR INTERIM CUSTODY, CHILD SUPPORT, SPOUSAL SUPPORT, EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE, ATTORNEYS FEES, NON-DISPARAGEMENT, AND LIS PENDENS.

China Amie, Esq., Nevada Bar No.: 14820, present along with Plaintiff's counsel.

PRINT DATE:	06/24/2021	Page 3 of 27	Minutes Date:	October 28, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Spanish Court Interpreter, Magdalena Becerra, present with Defendant.

Counsel stated the parties TEMPORARY STIPULATION as follows:

MATTER(S) TRAILED to the Court's calendar in January 2020.

Plaintiff shall pay to Defendant the monthly amount of \$250.00 for her. Defendant shall provide Plaintiff with receipts as to the utilization of the \$250.00.

The parties shall continue to reside together in the home. Plaintiff shall provide Defendant with a house key.

Plaintiff shall be responsible for paying for the mortgage payments and household expenses.

Per STIPULATION of the parties, COURT ORDERED, as follows:

MATTER(S) CONTINUED and SET 1-31-2020 at 11:00 a.m.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	06/24/2021	Page 4 of 27	Minutes Date:	October 28, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

March 06, 2020

D-19-595434-D	Jose Oscar Salazar, Plaintiff
	vs.
	Agustina Cervantes Landa, Defendant.

March 06, 2020 11:00 AM All Pending Motions

HEARD BY: Brown, Lisa

COURTROOM: Courtroom 05

COURT CLERK: Silvia Avena

PARTIES:

Agustina Cervantes Landa, Defendant,
Counter Claimant, present
Jormy Salazar, Subject Minor, not present
Jose Salazar, Plaintiff, Counter Defendant, Pro Se
present
Maybel Salazar, Subject Minor, not present
Mellyarive Salazar, Subject Minor, not present
Rodolfo Gonzalez, Unbundled Attorney, not
present

JOURNAL ENTRIES

- MOTION: MOTION FOR ORDERS FOR INTERIM CUSTODY, CHILD SUPPORT, SPOUSAL SUPPORT, EXCLUSIVE POSSESSION OF THE MATERIAL RESIDENCE, ATTORNEY'S FEES, ON-DISPARAGEMENT, AND LIS PENDENS... OPPOSITION: PLAINTIFF'S OPPOSITION TO PLAINTIFF'S MOTION FOR INTERIM CUSTODY, CHILD SUPPORT, SPOUSAL SUPPORT, EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE, ATTORNEY'S FEES, NON-DISPARAGEMENT, AND LIS PENDENS... CASE MANAGEMENT CONFERENCE.

Rodolfo Gonzalez, Esq., Nevada Bar No.: 12751, present on behalf of Plaintiff.

PRINT DATE:	06/24/2021	Page 5 of 27	Minutes Date:	October 28, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Court Interpreter (Spanish), Irma Sanchez-Gastelum, present on behalf of Plaintiff.

China Amie, Esq., Nevada Bar No.: 14820, present on behalf of Defendant.

Court Interpreter (Spanish), Yul Haasman, present on behalf of Defendant.

CASE TRAILED.

CASE RESUMED.

The Court stated that a Senior Judge Settlement Conference to be requested and SET with notice to counsel/parties and therefore, COURT ORDERED, as follows:

Parties REFERRED to Family Mediation Center (FMC) for MEDIATION and CHILD INTERVIEW for minor children, Mellyarive Salazar and Maybel A. Salazar.

Return hearing (FMC mediation and child interview) SET 6-9-20 at 11:00 a.m.

Non-Jury Trial (Custody and finances) SET 10-26-20 at 9:00 a.m. (Full day). A Scheduling Order to issue: Close of discovery is on 9-25-20 and Pre-Trial Memorandums and Exhibits are due on 10-19-20.

Clerk's Note: Per the Court, the department notified as to Senior Judge Settlement conference to be set with notice to the counsel/parties.

INTERIM CONDITIONS:

FUTURE HEARINGS: Jun 09, 2020 11:00AM Return Hearing
FMC Mediation and Child Interview
Courtroom 05 Brown, Lisa

Oct 26, 2020 9:00AM Non-Jury Trial
Custody and Finances
Courtroom 05 Brown, Lisa

PRINT DATE:	06/24/2021	Page 6 of 27	Minutes Date:	October 28, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

June 09, 2020

D-19-595434-D Jose Oscar Salazar, Plaintiff
vs.
Agustina Cervantes Landa, Defendant.

June 09, 2020 11:00 AM Return Hearing

HEARD BY: Brown, Lisa**COURTROOM:** Courtroom 05**COURT CLERK:** Carol Foley**PARTIES:**

Agustina Cervantes Landa, Defendant, Bret Whipple, Attorney, not present
Counter Claimant, not present
Jormy Salazar, Subject Minor, not present
Jose Salazar, Plaintiff, Counter Defendant, not Pro Se
present
Maybel Salazar, Subject Minor, not present
Mellyarive Salazar, Subject Minor, not present
Rodolfo Gonzalez, Unbundled Attorney, not
present

JOURNAL ENTRIES

- RETURN HEARING: FMC MEDIATION AND CHILD INTERVIEW

Judge Brown, Plaintiff and his unbundled attorney, Rodolfo Gonzalez, Esq., Defendant and her attorney, China Amie, Esq., appeared telephonically. Interpreters were present with each party at their attorney's offices.

Court noted child interviews stopped with COVID-19.

Court noted the parties reached a Partial Parenting Agreement in mediation. Counsel advised they

PRINT DATE:	06/24/2021	Page 7 of 27	Minutes Date:	October 28, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

have not seen that agreement. Court noted the Partial Parenting Agreement will be forwarded to counsel by email.

COURT ORDERED,

Parties RE-REFERRED to Family Mediation Center for CHILD INTERVIEWS. Order for Family Mediation Center Services FILED IN OPEN COURT. Return date SET 7/23/20 at 10:00 a.m.

Statements by counsel.

PER STIPULATION, the parties will abide by a BEHAVIOR ORDER and non-disparagement language will be included. Counsel shall draft and agree to a Behavior Order.

INTERIM CONDITIONS:

FUTURE HEARINGS: Jun 09, 2020 11:00AM Return Hearing
FMC Mediation and Child Interview
Courtroom 05 Brown, Lisa

Oct 26, 2020 9:00AM Non-Jury Trial
Custody and Finances
Courtroom 05 Brown, Lisa

PRINT DATE:	06/24/2021	Page 8 of 27	Minutes Date:	October 28, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

July 23, 2020

D-19-595434-D Jose Oscar Salazar, Plaintiff
vs.
Agustina Cervantes Landa, Defendant.

July 23, 2020 10:00 AM Return Hearing

HEARD BY: Brown, Lisa

COURTROOM: Courtroom 05

COURT CLERK: Silvia Avena

PARTIES:

Agustina Cervantes Landa, Defendant, Bret Whipple, Attorney, not present
Counter Claimant, not present
Jormy Salazar, Subject Minor, not present
Jose Salazar, Plaintiff, Counter Defendant, not Pro Se
present
Maybel Salazar, Subject Minor, not present
Mellyarive Salazar, Subject Minor, not present
Rodolfo Gonzalez, Unbundled Attorney,
present

JOURNAL ENTRIES

- RETURN HEARING: FMC CHILD INTERVIEW.

Parties appeared telephonically.

China A.N. Amie, Esq., Nevada Bar No.: 14820, present on behalf of Defendant.

Ms. Amie stated that Defendant is not available (COVID-19 testing) and Court interpreter was present at her office.

PRINT DATE:	06/24/2021	Page 9 of 27	Minutes Date:	October 28, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Mr. Gonzalez does not object to Ms. Amie's withdrawal.

The Court stated that counsels to discuss pending issues and therefore, COURT ORDERED, as follows:

MATTER CONTINUED and SET 8-25-20 at 10:00 a.m.

INTERIM CONDITIONS:

FUTURE HEARINGS: Jul 23, 2020 10:00AM Return Hearing
FMC Child Interview
Courtroom 05 Brown, Lisa

PRINT DATE:	06/24/2021	Page 10 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

August 24, 2020

D-19-595434-D Jose Oscar Salazar, Plaintiff
vs.
Agustina Cervantes Landa, Defendant.

August 24, 2020 4:00 PM Minute Order

HEARD BY: Brown, Lisa**COURTROOM:** Chambers**COURT CLERK:** Silvia Avena**PARTIES:**

Agustina Cervantes Landa, Defendant,	Bret Whipple, Attorney, not present
Counter Claimant, not present	
Jormy Salazar, Subject Minor, not present	
Jose Salazar, Plaintiff, Counter Defendant, not present	Pro Se
Maybel Salazar, Subject Minor, not present	
Mellyarive Salazar, Subject Minor, not present	
Rodolfo Gonzalez, Unbundled Attorney, not present	

JOURNAL ENTRIES

- Salazar v. Cervantes Landa D595434 MINUTE ORDER - NO HEARING HELD.

This matter is scheduled for August 25, 2020 on attorney Christy Brad Escobar's July 9, 2020 Motions to Withdraw as Attorney of Record for Defendant, to Adjudicate the Rights of Counsel, for Enforcement of Attorney's Lien and for Judgment of Attorney Fees. In his motion, Mr. Escobar provided a court-listed address for Defendant. Attached to the motion was a Certificate of Service by mail to Plaintiff attorney of record as well as to Defendant's court-listed address. The time for filing any opposition has passed and no opposition has been filed.

PRINT DATE:	06/24/2021	Page 11 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Having reviewed the papers and pleadings before it and, good cause appearing, the Court issues its findings and order.

The Court FINDS, on July 9, 2020, Mr. Escobar filed a Notice of Attorney s Lien in the sum of \$17,118.01. Attached to the Notice was a Certificate of Service by USPS/Certified Return Receipt Requested to Defendant s court-listed address and to Plaintiff's attorney of record.

Therefore, based on the foregoing the Court GRANTS Mr. Escobar s request for adjudication of the attorney lien in the sum of \$17,118.01, said sum ORDERED reduced to judgment. The Court further GRANTS Mr. Escobar s motion to withdraw as counsel of record for Defendant. Based on the foregoing order, the Court ORDERS the August 25, 2020 hearing VACATED.

Pursuant to EDCR 5.522(a), Mr. Escobar shall prepare and submit an order within seven (7) days of receipt of these minutes.

Clerk's Note: Per the Court, hearing 8-25-2 vacated and a copy of the minutes to be forwarded to parties/counsel mail/e-mail address on file. /sa

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	06/24/2021	Page 12 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

November 16, 2020

D-19-595434-D	Jose Oscar Salazar, Plaintiff vs. Agustina Cervantes Landa, Defendant.
---------------	--

November 16, 2020 9:00 AM Non-Jury Trial

HEARD BY: Brown, Lisa

COURTROOM: Courtroom 05

COURT CLERK: Silvia Avena

PARTIES:

Agustina Cervantes Landa, Defendant, Counter Claimant, present	Bret Whipple, Attorney, present
Jormy Salazar, Subject Minor, not present	
Jose Salazar, Plaintiff, Counter Defendant, present	Pro Se
Maybel Salazar, Subject Minor, not present	
Mellyarive Salazar, Subject Minor, not present	
Rodolfo Gonzalez, Unbundled Attorney, present	

JOURNAL ENTRIES

- NON-JURY TRIAL: CUSTODY AND FINANCES.

BlueJeans/ video hearing.

Testimony presented per the worksheets.

COURT ORDERED, as follows:

PRINT DATE:	06/24/2021	Page 13 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Proposed Order and Findings shall be submitted by counsel by 11-30-20.

MATTER TAKEN UNDER ADVISEMENT.

Clerk's Note: Minutes amended on 6-24-21 to reflect judicial notice (no exhibits) and minutes reattached on 6-24-21. /sa

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	06/24/2021	Page 14 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

December 21, 2020

D-19-595434-D Jose Oscar Salazar, Plaintiff
vs.
Agustina Cervantes Landa, Defendant.

December 21, 2020 8:30 AM Minute Order

HEARD BY: Brown, Lisa

COURTROOM: Chambers

COURT CLERK: Jamile Vazquez

PARTIES:

Agustina Cervantes Landa, Defendant, Bret Whipple, Attorney, not present
Counter Claimant, not present
Jormy Salazar, Subject Minor, not present
Jose Salazar, Plaintiff, Counter Defendant, not Pro Se
present
Maybel Salazar, Subject Minor, not present
Mellyarive Salazar, Subject Minor, not present
Rodolfo Gonzalez, Unbundled Attorney, not
present

JOURNAL ENTRIES

- MINUTE ORDER: NO HEARING HELD

This matter was scheduled for non-jury trial on October 26, 2020 and November 16, 2020. Following receipt of testimony and evidence, this Court took the matter under advisement.

Having reviewed the pleadings and papers before it, heard testimony and received evidence, this Court issues its findings of fact and conclusions of law.

On August 27, 2019, Plaintiff filed his Complaint for Divorce. The Court FINDS, pursuant to NRS

PRINT DATE:	06/24/2021	Page 15 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

125.020, the both parties are residents of the State of Nevada and intend to make Nevada their home for an indefinite period of time. The Court further FINDS there are currently three remaining minor children who have resided in Nevada for a period of six months or more and that Nevada has the necessary UCCJEA jurisdiction to enter custody and visitation orders as required by NRS 125C.010(1)(b).

The Court FINDS, on March 12, 2001, the parties married in the state of Nevada. The Court FINDS there are no adoptive children and Defendant is not, to the best of her knowledge, currently pregnant. There is no dispute the parties are incompatible and reconciliation is impossible.

The Court FINDS the parties have two adult children, ages 19 and 20 years, both of whom testified at trial in this matter.

The Court FINDS, on January 13, 2020, a written stipulation and order following hearing was filed wherein Plaintiff agreed to maintain the mortgage and household expenses while the parties were cohabitating in the 3127 Panocha Street (Panocha Residence) residence.

In any action for determining physical custody of a minor child, the sole consideration of this Court is the best interest of the child. See NRS 125C.0035(1). In determining the best interest of the child, the Court shall consider and set forth specific findings pursuant to NRS 125C.0035(4).

The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.

The Court FINDS the three minor children, ages 11, 14 and 16, are of sufficient age and capacity to form an intelligent preference as to physical custody.

The Court FINDS, on July 14, 2020, a FMC Child Interview was ordered for the two eldest children, ages 16 and 11 years.

The Court FINDS, the eldest child, preferred no set visitation schedule with Defendant while the eleven-year old child affirmatively stated she preferred to reside primarily with Plaintiff.

The Court FINDS this factor weighs in Plaintiff s favor.

Any nomination of a guardian for the child by a parent.

The Court FINDS this factor is not applicable to this case.

Which parent is more likely to allow the child to have frequent associations and a continuing

PRINT DATE:	06/24/2021	Page 16 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

relationship with the noncustodial parent.

The Court FINDS both parties have the ability to cooperate to allow the children to have frequent associations and a continuing relationship with the non-custodial parent.

The level of conflict between the parents.

The Court FINDS the level of conflict between the parties is moderate and based primarily on the instant litigation.

The ability of the parents to cooperate to meet the needs of the child.

The Court FINDS the parties have the ability to cooperate to meet the needs of the minor children.

The mental and physical health of the parents.

The Court FINDS both parents are in apparent good mental health.

The Court FINDS Plaintiff is in good physical health.

The Court FINDS Defendant has physical issues related to an auto accident which may or may not cause continued issues in the future.

The physical, developmental and emotional needs of the child.

The Court FINDS the three minor children have typical physical, development and emotional needs related to their respective ages.

The nature of the relationship of the child with each parent.

The Court FINDS, in the FMC child interview, the two eldest children articulated disappointment with Defendant s choices and lack of consistency.

The ability of the child to maintain a relationship with any sibling.

The Court FINDS the minor children have two adult siblings, also of this relationship. The Court FINDS the adult children reside with Plaintiff.

Any history of parental abuse or neglect of the child or a sibling of the child.

PRINT DATE:	06/24/2021	Page 17 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

The Court FINDS this factor does not apply to the facts of this case.

Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

The Court FINDS Defendant alleged domestic violence in her underlying pleadings. The Court FINDS Defendant failed to establish by clear and convincing evidence at trial that any domestic violence occurred.

Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

The Court FINDS this factor is not applicable to this case.

In considering custody orders, the Court may consider other factors in making its determination. As such, the Court FINDS, and Defendant concedes, she was deported in 2001. The Court FINDS, and the parties concede, the three youngest children were conceived in Mexico during Plaintiff's visits. The Court FINDS, however, Defendant listed another man as the children's natural father. The Court FINDS Defendant told the three youngest children the other man listed on the birth certificates was their biological father. The Court FINDS paternity is not disputed in this case but further FINDS Defendant was not credible as to the reasons she listed another party as the children's natural father nor was she, generally, credible during trial. Last, the Court FINDS, on May 5, 2020, the parties mediated a Partial Parenting Agreement wherein they agreed to share joint legal custody of the minor children and agreed to a limited holiday/vacation timeshare. However, it does not appear the Partial Parenting Agreement was ever executed or filed.

Therefore, based on the foregoing, the Court FINDS the parties have agreed to share joint legal custody. Therefore, there being no dispute, the Court ORDERS the parties to share joint legal custody. However, taking into account NRS 125C.0035(4) factors, the child interview and additional factors set forth above, the Court FINDS it in the children's best interest for Plaintiff to have primary physical custody. Therefore, the Court ORDERS Plaintiff shall have primary physical custody. The Court ORDERS the two eldest children, Mellyarive and Maybel, shall have teenage discretion as to visitation with Defendant. The Court ORDERS Defendant shall have appropriate bedrooms and beds prior to any overnight visitation. Defendant shall have visitation with the youngest child, Jormy, every Friday at 6 p.m. to Sunday at 6 p.m. The parties shall follow the holiday schedule from this department, which will be provided to both counsel.

The Court FINDS Defendant's GMI is \$800 per month. Therefore, Defendant's child support obligation is \$144.00 per month. Accordingly, Defendant shall pay \$144.00 per month child support effective January 1, 2021. The Court ORDERS Defendant shall have a continuing duty to notify

PRINT DATE:	06/24/2021	Page 18 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Plaintiff of any change to her earning status and provide Defendant will proof of income, e.g. three (3) paystubs in support of any change.

The Court ORDERS Plaintiff shall provide healthcare coverage for the minor children and further ORDERS the parties shall equally split unreimbursed medical expenses, to include premium costs, pursuant to the 30/30 Rule.

The Court ORDERS Plaintiff shall be entitled to the dependent tax credit for the children for all years.

The Court FINDS Defendant requested an award for spousal support in the sum of \$1,000 per month for a period of ten years or, 120 months. In support of her underlying request, Defendant argued she was a stay at home parent during the marriage and was permanently or partially disabled as a result of a car accident. In considering a request for spousal support, the Court is required to consider, among other relevant information, factors set forth in NRS 125.150(9).

The financial condition of each spouse;

The Court FINDS Plaintiff is the owner/operator of JOS Trucking with an adjusted gross monthly income (GMI) OF \$3,635.83 based on his net receipts after business-related expenses.

The Court FINDS Defendant was not employed following an auto accident but testified she currently earns \$800 per month in housekeeping.

The nature and value of the respective property of each spouse;

The Court FINDS this factor is not applicable to this matter save for Plaintiff s assertion he is entitled to the Ardmore Residence as his sole and separate property as discussed in more detail, below.

The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

The Court FINDS this factor is applicable to the two residential properties subject of this litigation.

The duration of the marriage;

The Court FINDS the parties have been married for a period of nineteen years.

The income, earning capacity, age and health of each spouse;

The Court FINDS Plaintiff is 42 years of age, with a high school diploma and the ability to work.

PRINT DATE:	06/24/2021	Page 19 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

The Court FINDS Defendant is 49 years of age, with a Bachelor of Arts college degree but allegedly unable to work due to an auto injury which resulted in severe back injuries.

The standard of living during the marriage;

The Court FINDS no testimony was provided related to this factor.

The career before the marriage of the spouse who would receive the alimony;

The Court FINDS the Defendant did not have a specialized career during the course of the marriage.

The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

The Court FINDS Plaintiff has a high school diploma and is the owner/operator of a trucking company. The Court FINDS Plaintiff did not acquire any specialized education, training or additional marketable skills during the marriage.

The Court FINDS Defendant has a college degree. The Court FINDS Defendant did not acquire any specialized education, training or additional marketable skills during the marriage.

The contribution of either spouse as homemaker;

The Court FINDS Defendant asserted she was primarily a homemaker during the course of the marriage.

The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

The Court FINDS there are three minor children as well as several vehicles and two residential properties which are subject of this Court s jurisdiction and orders.

The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

The Court FINDS both parties are in their mid to late-forties and will likely be required to work for a period of at least twenty years or more. The Court FINDS Defendant has asserted injuries which may impact her ability to continue to work in a field requiring physical exertion.

Based on the foregoing, the Court FINDS this is a long-term marriage of nineteen (19) years with

PRINT DATE:	06/24/2021	Page 20 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Defendant having a financial need. The Court further FINDS, in his January 20, 2020 Financial Disclosure Form (FDF), Plaintiff listed \$125,805 in gross business receipts. The Court FINDS, while Plaintiff's business is doing well, his net profit after expenses as \$43,630 or, \$3,635.83 GMI. Therefore, taking into account this Court's orders, contained herein, the Court ORDERS Plaintiff shall pay \$600 per month spousal support for a period of ten years or, 120 months, effective January 1, 2021. The Court ORDERS Defendant's child support obligation shall be subtracted from the ordered spousal support.

Also at issue at trial was division of two residential properties: the Panocha Residence and a residence located at 1600 Ardmore Street (Ardmore Residence). Plaintiff argued entitlement to the Ardmore Residence asserting he purchased the residence on May 28, 1999, two years prior to the marriage, and where he asserted Defendant made no financial contributions to the maintenance or costs associated with the residence. Conversely, Defendant asserted that she contributed \$5,000 towards its purchase.

The Court FINDS the Ardmore Residence was used as a rental home and is valued at approximately \$142,951 with approximately \$98,000 owed (net value of \$44,951 or, approximately 68% paid off). The Court FINDS the Panocha Residence was the marital residence and is valued at approximately \$277,950 with \$155,000 owed (net value of \$122,950 or, approximately 55% paid off). The Court FINDS, based on their respective FDFs, the parties were in agreement as to the value of both residences.

The Court ORDERS Plaintiff shall be entitled to the Panocha Residence as his sole and separate property and Defendant shall be entitled to the Ardmore Residence as her sole and separate property. The Court FINDS the difference in value between the two residences is \$134,999 (Panocha Residence Value \$277,950 - Ardmore Residence Value \$142,951 = \$134,999). Based on the differing equity in the residences, the Court ORDERS Defendant shall be entitled to \$60,000 in equity from the Panocha Residence, i.e., Defendant is being awarded a residence she has greater equity and is, therefore, closer to being paid off.

The Court FINDS testimony at trial established the parties have already split several vehicles and that each party has a vehicle in his/her possession. The Court FINDS, however, that Defendant claimed an interest in a Cadillac Escalade. The Court FINDS testimony at trial established that the parties' adult children purchased the Escalade for Plaintiff. As such, the Court ORDERS the Cadillac Escalade shall be awarded to Plaintiff as his sole and separate property.

The Court FINDS Plaintiff had possession of a tractor trailer valued at approximately \$10,000 and with \$10,000 owed. The Court FINDS testimony established the tractor trailer burned and Plaintiff did not have insurance coverage for the loss. The Court ORDERS Plaintiff shall be solely responsible for the loss of the tractor trailer which burned in his possession and any debt related to it and that

PRINT DATE:	06/24/2021	Page 21 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Defendant shall be held harmless.

The Court hereby ORDERS the bonds of matrimony existing between Plaintiff and Defendant shall be wholly dissolved and an absolute Decree of Divorce is GRANTED and the parties are restored to the status of single, unmarried persons.

Pursuant to EDCR 5.522, Plaintiff shall prepare findings of fact, conclusion of law and decree comporting with these minutes and Defendant shall review and countersign.

CLERK'S NOTE: A copy of this Minute Order was emailed to Plaintiff and Counsel. (jv 12/21/20)

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	06/24/2021	Page 22 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

March 31, 2021

D-19-595434-D	Jose Oscar Salazar, Plaintiff
	vs.
	Agustina Cervantes Landa, Defendant.

March 31, 2021 9:00 AM All Pending Motions

HEARD BY: Throne, Dawn R.

COURTROOM: RJC Courtroom 14C

COURT CLERK: Gabriella Konicek

PARTIES:

Agustina Cervantes Landa, Defendant, Counter Claimant, present	Bret Whipple, Attorney, present
Jormy Salazar, Subject Minor, not present	
Jose Salazar, Plaintiff, Counter Defendant, present	Pro Se
Maybel Salazar, Subject Minor, not present	
Mellyarive Salazar, Subject Minor, not present	
Rodolfo Gonzalez, Unbundled Attorney, present	

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO RECONSIDER...DEFENDANT'S OPPOSITION

Minutes prepared from the JAVS video record by court clerk Hilary Moffett, who was not present during the hearing.

Matter heard via videoconference.

Court certified interpreters Alicia Herrera and Cristina Ranuschio provided services for Plaintiff and Defendant, respectively.

PRINT DATE:	06/24/2021	Page 23 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Arguments were made regarding the orders concerning spousal support and division of marital assets as set forth in the decree.

Court noted that there is no basis to reconsider alimony. Court further noted that neither party filed an updated financial disclosure form. With regard to Plaintiff's ability to pay, Court noted that Plaintiff is choosing to support two adult children, who could either be contributing or living on their own.

Court noted that Plaintiff is not entitled to an offset for the trailer as the Court found that there was a type of financial malfeasance on the part of Plaintiff regarding the trailer. Court further noted that it made a mathematical error in dividing and equalizing the assets, which will be corrected in today's order.

Court noted that certain provisions regarding the two houses need to be clarified as they were not included in the decree. Court finds that it has continuing jurisdiction over the house issue.

Court noted that Defendant should file a lis pendens to prevent Plaintiff from selling either property from under her.

COURT ORDERED:

1. The motion to reconsider with regard to alimony is DENIED.
2. The motion to reconsider with regard to assets and debts is GRANTED to correct the mathematical error. Plaintiff owes Defendant \$38,999.50 to equalize the equity in both houses. This sum shall be REDUCED TO JUDGMENT against Plaintiff, and shall accrue legal interest retroactively from 2/11/21, when the decree was entered.
3. If Plaintiff has not paid Defendant the equalization amount in full by 8/2/21, the property located at 3127 Panocha St shall be sold and Defendant shall be paid, from the proceeds, the remainder of the amount due to her. Any remaining proceeds shall be Plaintiff's sole and separate property.
4. Defendant shall be solely responsible for the mortgage associated with the property located at 1600 Ardmore St, which was awarded to Defendant in the decree.
5. Defendant shall have 120 days to refinance the mortgage on the Ardmore property into her own name, or to sell the property. Plaintiff shall sign a quitclaim deed as needed in order for Defendant to refinance. If Defendant fails to refinance by 8/2/21, Plaintiff shall list the home for sale. Once sold, Defendant shall receive 100% of the proceeds. If Defendant elects to sell the property instead of

PRINT DATE:	06/24/2021	Page 24 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

refinancing the mortgage, Plaintiff shall cooperate and sign any documents necessary to facilitate the sale.

6. Plaintiff shall continue to make the mortgage payments on the Ardmore property until the house is either refinanced or sold. As Plaintiff represented in his motion that the current mortgage payment is \$837.00, Plaintiff shall be credited \$456.00 per month toward his alimony obligation and \$381.00 per month toward the equalizing note while he is making these mortgage payments.

7. Court clarified that Plaintiff does not owe alimony arrears as he has been making mortgage payments on the Ardmore property since January 1, when his alimony obligation commenced.

8. A status check is SET for 8/16/21 at 9:30 a.m.

Mr. Gonzalez shall prepare the order from today's hearing.

INTERIM CONDITIONS:

FUTURE HEARINGS: Aug 16, 2021 9:30AM Status Check
STATUS CHECK: RE ORDER
RJC Courtroom 14D Throne, Dawn R.

PRINT DATE:	06/24/2021	Page 25 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint**COURT MINUTES**

June 11, 2021

D-19-595434-D Jose Oscar Salazar, Plaintiff
vs.
Agustina Cervantes Landa, Defendant.

June 11, 2021 4:54 PM Minute Order

HEARD BY: Throne, Dawn R.**COURTROOM:****COURT CLERK:** Gina Bradshaw-Taylor**PARTIES:**

Agustina Cervantes Landa, Defendant, Bret Whipple, Attorney, not present
Counter Claimant, not present
Jormy Salazar, Subject Minor, not present
Jose Salazar, Plaintiff, Counter Defendant, not Pro Se
present
Maybel Salazar, Subject Minor, not present
Mellyarive Salazar, Subject Minor, not present
Rodolfo Gonzalez, Unbundled Attorney, not
present

JOURNAL ENTRIES

- NRCP 1 and EDCR 1.10 state that the procedures in district court shall be administered to secure efficient, just, and inexpensive determinations in every action and proceeding.

On January 4, 2021, this case was administratively reassigned to Family Division Dept. U, Hon. Dawn R. Throne.

On May 11, 2021, Defendant filed a Motion and Notice of Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt and an Ex Parte Application for an Order to Show Cause. Defendant s Motion for an Order to Enforce requested a hearing date and time of June 16,

PRINT DATE:	06/24/2021	Page 26 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

2021 at 10:30 AM.

THE COURT FINDS that a hearing on Defendant s Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt was subsequently set on June 16, 2021 at 10:30 AM.

THE COURT FINDS that as of June 11, 2021, there is no Proof of Service filed showing that Plaintiff was served with Defendant s Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt or notice of the June 16 at 10:30 AM hearing.

THE COURT FINDS that without proof that Plaintiff was properly served with Defendant s Motion, the Court is without jurisdiction to hear Defendant s Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt.

Therefore, IT IS ORDERED that the hearing set on Defendant s Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt on June 16, 2021 at 10:30 AM is VACATED.

Defendant may re-notice her Motion through the Clerk s Office to get a new hearing date. Defendant must properly serve Plaintiff with the Motion, the Re-notice, and Notice of the hearing and file proof of service with the Court before a hearing on Defendant s Motion for an Order to Enforce and/or for an Order to Show Cause Regarding Contempt can proceed.

A copy of this minute order shall be provided to both parties.

SO ORDERED.

INTERIM CONDITIONS:

FUTURE HEARINGS: Aug 16, 2021 9:30AM Status Check
STATUS CHECK: RE ORDER
RJC Courtroom 14D Throne, Dawn R.

PRINT DATE:	06/24/2021	Page 27 of 27	Minutes Date:	October 28, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

EMILY MCFARLING, ESQ.
6230 W. DESERT INN RD.
LAS VEGAS, NV 89146

DATE: June 24, 2021
CASE: D-19-595434-D

RE CASE: JOSE OSCAR SALAZAR vs. AGUSTINA CERVANTES LANDA

NOTICE OF APPEAL FILED: June 22, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☒ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; DECREE OF DIVORCE; NOTICE OF ENTRY OF DECREE; ORDER; NOTICE
OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

JOSE OSCAR SALAZAR,

Plaintiff(s),

vs.

AGUSTINA CERVANTES LANDA,

Defendant(s),

Case No: D-19-595434-D

Dept No: U

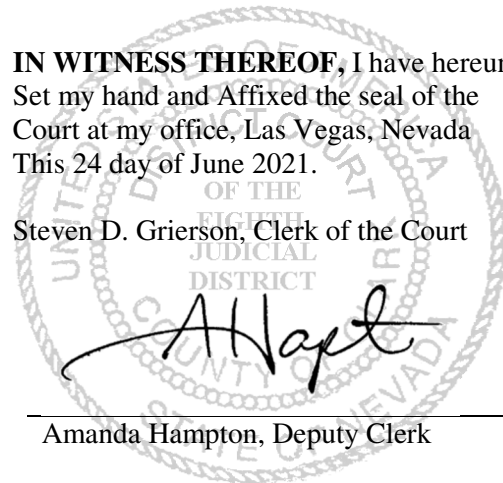
now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 24 day of June 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk



THE FACE OF THIS INSTRUMENT HAS A COLORFUL BACKGROUND AND IS PRINTED ON WHITE PAPER

LAW OFFICE OF EMILY MCFARLING, LLC
6230 W. DESERT INN RD.
LAS VEGAS, NV 89146
(702)565-4335

LEXICON BANK
TIVOLI VILLAGE
320 S. RAMPART BLVD.,
SUITE 100
LAS VEGAS, NV 89145

1075
94-243/1224

06/22/2021

DATE

PAY TO THE
ORDER OF

Nevada Supreme Court

\$

**250.00

Two hundred fifty and 00/100*****

DOLLARS

Nevada Supreme Court



MEMO

Salazar

⑈0001075⑈ ⑆122402434⑆ 1406500⑈

Security Features Included Details on back



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

June 24, 2021

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: JOSE OSCAR SALAZAR vs. AGUSTINA CERVANTES LANDA
D.C. CASE: D-19-595434-D

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed June 22, 2021. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

October 26, 2020

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "A Hampton".

Amanda Hampton, Deputy Clerk