

IN THE SUPREME COURT OF THE STATE OF NEVADA

William Shawn Wallace,

Appellant,

vs.

Ammie Ann Wallace,

Respondent.

No. 83591

Electronically Filed
Oct 27 2021 01:19 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**DOCKETING STATEMENT
CIVIL APPEALS**

GENERAL INFORMATION

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

WARNING

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

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

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

1. **Judicial District:** Eighth **Department:** S (Family Division)
County: Clark **Judge:** Vincent Ochoa
District Ct. Case No.: D-20-613567-Z

2. **Attorney filing this docket statement:**

Attorney: Bruce I. Shapiro, Esq. Telephone: (702) 388-1851
Shann D. Winesett, Esq. Facsimile: (702) 388-7406
Pecos Law Group Email: email@pecoslawgroup.com
8925 S. Pecos Road, Ste 14A
Henderson, Nevada 89074

Client(s): William Shawn Wallace

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

3. **Attorney(s) representing respondent(s):**

Attorneys: Racheal H. Mastel, Esq. Telephone: (702) 823-4900
Kainen Law Group Facsimile: (702) 823-4488
3303 Novat Street, Suite 200 Email: Racheal@KainenLawGroup.com
Las Vegas, Nevada 89129

Client(s) Ammie Ann Wallace

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

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

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

- Child Custody
- Venue
- Termination of parental rights

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

None

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

None

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

The nature of the action appealed from is a post-divorce proceeding in which the district court refused to modify child custody.

9. Issues on Appeal. State concisely the principal issue(s) in this appeal:

Whether the district court abused its discretion in summarily refusing to modify custody of the children especially without setting an evidentiary hearing or articulating its own decision making process.

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

N/A

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, have you notified the clerk of his court and the attorney general in accordance with NRAP 44 and NRS 30.130?

- N/A
 - Yes
 - No
- If not, explain

12. Other issues. Does this appeal involve any of the following issues? No

- Reversal of well-settled Nevada precedent (identify the case(s))
- An issue arising under the United States and/or Nevada Constitutions
- A substantial issue of first-impression
- An issue of public policy
- An issue where en banc consideration is necessary to maintain uniformity of the court's decisions
- A ballot question

If so, explain: In ruling against Appellant, the district judge made no findings on the record and, it appears, relied entirely upon Respondent to draft his Findings of Fact, Conclusions of Law, and Order. The procedure the district judge followed in issuing his order failed to assure the parties that the judge fully and fairly considered their claims and also fails to inform this court of the basis on which the judge reached his decision. In failing to articulate any of his underlying reasoning, the district judge failed to assure the parties, the public and this court of the quality of his decision making process.

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance.

This matter is presumptively assigned to the Court of Appeals under NRAP 17(b)(10).

14. Trial. If this action proceeded to trial, how many days did the trial last? N/A

Was it a bench or jury trial? N/A

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

N/A

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from: September 16, 2021

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

17. Date written notice of entry of judgment or order served: September 16, 2021

Was service by:

Delivery

Mail/electronic/Fax

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

N/A

(a) specify the type of motion, and the date and method of service of the motion, and the date of filing: N/A

NRCP 50(b) Date of filing _____

NRCP 52(b) Date of filing _____

NRCP 59 Date of filing _____

Attach copies of all post-trial tolling motions.

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

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

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

Was service by:

Delivery

Mail

19. **Date notice of appeal filed:** October 1, 2021.

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

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

NRAP 4(a)(1).

SUBSTANTIVE APPEALABILITY

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

(a)

NRAP 3A(b)(1)

NRS 38.205

NRAP 3A(b)(2)

NRS 233B.150

NRAP 3A(b)(3)

NRS 703.376

Other: (specify) _____

(b) Explain how each authority provides a basis for appeal from the judgment or order:

The district court's denial of Rebecca's motion to modify alimony is a final order on all issues that were before the district court.

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

(a) parties: Plaintiff (Respondent) Ammie Ann Wallace
Defendant (Appellant) William Shawn Wallace

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

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

Appellant: (1) Request to Modify Child Custody
(2) Request to Modify Child Support

Respondent: (1) Opposition to Modify Child Custody
(2) Opposition to Modify Child Support

All claims formally resolved: September 16, 2021

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

- Yes
- No

25. If you answered “No” to question 23, complete the following: N/A

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

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

- Yes
- No

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

- Yes
- No

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

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

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

VERIFICATION

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

WILLIAM SHAWN WALLACE
Name of appellant

SHANN D. WINESETT, ESQ.
Name of counsel of record

October 27, 2021
Date

/s/ Shann Winesett
Signature of Counsel of Record

Clark County, Nevada
State and county where signed

CERTIFICATE OF SERVICE

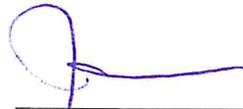
I certify that on the 27th day of October, 2021, I served a copy of this completed docketing statement upon all counsel of record:

By personally serving it upon him/her; or

X by mailing it by first class mail with sufficient postage prepaid to the following address:

Racheal H. Mastel, Esq.
Kainen Law Group
3303 Novat Street, Suite 200
Las Vegas, Nevada 89129

DATED this 27th day of October, 2021.



Janine Shapiro
an employee of PECOS LAW GROUP

Exhibit “1”

Andrew H. Hume
CLERK OF THE COURT

1 **DECD**
2 THE COOLEY LAW FIRM
3 Shelly Booth Cooley
4 Nevada State Bar No. 8992
5 10161 Park Run Drive, Suite 150
6 Las Vegas, Nevada 89145
7 Telephone Number: (702) 265-4505
8 Facsimile Number: (702) 645-9924
9 E-mail: scooley@cooleylawlv.com
10 Attorney for First Joint Petitioner,
11 AMMIE ANN WALLACE

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

AMMIE ANN WALLACE,
First Joint Petitioner,

Case No. **0-20-613567-7**
Dept No. **5**

And

WILLIAM SHAWN WALLACE,
Second Joint Petitioner.

DECREE OF DIVORCE

The above entitled cause, having been submitted to this Court for decision pursuant to Chapter 125 of the Nevada Revised Statutes, and based upon the Joint Petition for Divorce by the First Joint Petitioner, AMMIE ANN WALLACE ("MOTHER"), by and through her counsel of record, Shelly Booth Cooley and The Cooley Law Firm, and Second Joint

1 Petitioner, WILLIAM SHAWN WALLACE ("FATHER"), in Proper Person,
2
3 and all of the papers and pleadings on file herein and otherwise being
4 fully advised in the premises, the Court as follows:

5 1. That all of the allegations contained in the documents on file
6
7 are true.

8 2. That all of the requirements of NRS 125.181 and NRS 125.182
9
10 have been met.

11 3. **Residency.** That WILLIAM SHAWN WALLACE and AMMIE
12 ANN WALLACE are now, and for more than six weeks prior to the
13 commencement of this action has been, actual, bona fide residents and
14 domiciliaries of the County of Clark, State of Nevada, actually and
15 physically residing and being domiciled therein during all of said period
16 of time, and during all of said period of time has had, and still have, the
17 intent to make the State of Nevada their home, residence and domicile for
18 an indefinite period of time.
19
20
21

22 4. **Marriage.** Petitioners were married on or about the 10th day
23 of October, 2009, in the City of Las Vegas, County of Clark, State of
24 Nevada, and have ever since been husband and wife.
25

26 5. **Cause for Divorce.** The Petitioners have become and are
27 incompatible in marriage and no reconciliation is possible. The
28 Petitioners are entitled to a Decree of Divorce.

1 6 **Pregnancy.** AMMIE ANN WALLACE is not now pregnant,
2
3 and the parties are not now Intended Parents.

4 7. **Children.** There are three (3) minor children of this marriage
5
6 or adopted by the parties. The names and information is listed below:

Name	Date of Birth	State of Residence	How Long Child Lived in State	Disability
William Shawn Wallace, Jr.	06/24/2010	NV	08/01/2017	No
Miller Clyde Wallace	05/15/2012	NV	08/01/2017	No
Quinn Rose Wallace	01/18/2015	NV	08/01/2017	No

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8
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10
11 8. **Child Residency.** The children are residents of Nevada and
12
13 have lived here for at least the past six (6) months. The United States is
14
15 the country and Nevada is the State of habitual residence of the minor
16
17 children herein. This Court has the necessary Uniform Child Custody
18
19 Jurisdiction and Enforcement Act jurisdiction to enter orders regarding
20
21 custody and visitation.
22

23 9. **Child Custody.** That the Petitioners have entered into an
24
25 agreement settling all issues regarding child custody, visitation, child
26
27 support, medical insurance and expenses, and the tax deduction, which is
28
29 outlined in the Joint Petition, a copy of which is attached hereto as
30
31 **Exhibit "1."** The Petitioners request that this agreement, being fair, in

1 the children's best interest, and meets the children's financial needs, be
2 ratified, confirmed, and incorporated into this Decree of Divorce as though
3 fully set forth.
4

5 10. **Seminar for Separating Parents.** That pursuant to EDCR
6 5.302(d), the requirement to attend and complete the seminar for
7 separating parents shall be waived. That pursuant to EDCR 5.302(e),
8 jurisdiction shall be reserved to order the parties to complete the seminar
9 for separating parents during any post-judgment child custody
10 proceedings.
11

12 11. **Child Support.** That the amount of child support ordered
13 herein is in compliance with the guidelines established by the
14 Administrator of the Division of Welfare and Supportive Services or has
15 been stipulated to by the parties with the required certifications and
16 disclosures required by the guidelines.
17

18 12. **Child Custody Statutory Notices.** NOTICE IS HEREBY
19 GIVEN that the following statutory notices relating to custody are
20 applicable to Petitioners:
21

22 Pursuant to **EDCR 5.301**, the parties, and each of them, are hereby
23 placed on notice of the following:
24

25 All lawyers and litigants possessing knowledge of
26 matters being heard by the family division are prohibited
27 from:
28

1 (a) Discussing the issues, proceedings, pleadings, or
2 papers on file with the court with any minor child;

3 (b) Allowing any minor child to review any such
4 proceedings, pleadings, or papers or the record of the
5 proceedings before the court, whether in the form of
6 transcripts, audio, or video recordings, or otherwise;

7 (c) Leaving such materials in a place where it is likely or
8 foreseeable that any child will access those materials; or

9 (d) Knowingly permitting any other person to do any of the
10 things enumerated in this rule, without written consent of the
11 parties or the permission of the court.

12 Pursuant to **NRS 125C.006**, the parties, and each of them, are
13 hereby placed on notice of the following:

14 1. If primary physical custody has been established pursuant
15 to an order, judgment or decree of a court and the custodial
16 parent intends to relocate his or her residence to a place
17 outside of this State or to a place within this State that is at
18 such a distance that would substantially impair the ability of
19 the other parent to maintain a meaningful relationship with
20 the child, and the custodial parent desires to take the child
21 with him or her, the custodial parent shall, before relocating:

22 (a) Attempt to obtain the written consent of the noncustodial
23 parent to relocate with the child; and

24 (b) If the noncustodial parent refuses to give that consent,
25 petition the court for permission to relocate with the child.

26 2. The court may award reasonable attorney's fees and costs to
27 the custodial parent if the court finds that the noncustodial
28 parent refused to consent to the custodial parent's relocation
with the child:

(a) Without having reasonable grounds for such refusal; or

(b) For the purpose of harassing the custodial parent.

3. A parent who relocates with a child pursuant to this section
without the written consent of the noncustodial parent or the
permission of the court is subject to the provisions of NRS
200.359.

1 Pursuant to **NRS 125C.0065**, the parties, and each of them, are
2
3 hereby placed on notice of the following:

4 1. If joint physical custody has been established pursuant to an
5 order, judgment or decree of a court and one parent intends to
6 relocate his or her residence to a place outside of this State or
7 to a place within this State that is at such a distance that
8 would substantially impair the ability of the other parent to
9 maintain a meaningful relationship with the child, and the
relocating parent desires to take the child with him or her, the
relocating parent shall, before relocating:

10 (a) Attempt to obtain the written consent of the
non-relocating parent to relocate with the child; and

11 (b) If the non-relocating parent refuses to give that consent,
12 petition the court for primary physical custody for the purpose
of relocating.

13
14 2. The court may award reasonable attorney's fees and costs to
15 the relocating parent if the court finds that the non-relocating
16 parent refused to consent to the relocating parent's relocation
with the child:

17 (a) Without having reasonable grounds for such refusal; or

18 (b) For the purpose of harassing the relocating parent.

19 3. A parent who relocates with a child pursuant to this section
20 before the court enters an order granting the parent primary
21 physical custody of the child and permission to relocate with
the child is subject to the provisions of NRS 200.359.

22 Pursuant to **chapters 125A of NRS and NRS 125C.0601 to**
23
24 **125C.0693**, the parties, and each of them, are hereby placed on notice of
25 the following:

26 PENALTY FOR VIOLATION OF ORDER: THE
27 ABDUCTION, CONCEALMENT OR DETENTION OF A
28 CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE
AS A CATEGORY D FELONY AS PROVIDED IN NRS
193.130. NRS 200.359 provides that every person having a

1 limited right of custody to a child or any parent having no
2 right of custody to the child who willfully detains, conceals, or
3 removes the child from a parent, guardian or other person
4 having lawful custody or a right of visitation of the child in
5 violation of an order of this court, or removes the child from
6 the jurisdiction of the court without the consent of either the
7 court or all persons who have the right to custody or visitation
is subject to being punished for a category D felony as provided
in NRS 193.130.

8 Pursuant to provisions of **NRS 125C.0045(7)**, the parties, and each
9 of them, are hereby placed on notice that the terms of the Hague
10 Convention of October 25, 1980, adopted by the 14th Session of the Hague
11 Conference on Private International Law apply if a parent abducts or
12 wrongfully retains a child in a foreign country as follows:
13
14

15 Section 8: If a parent of the child lives in a foreign country or
16 has significant commitments in a foreign country:

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

21 (b) Upon motion of the parties, the court may order the parent
22 to post a bond if the court determines that the parent poses an
23 imminent risk of wrongfully removing or concealing the child
24 outside the country of habitual residence. The bond must be in
25 an amount determined by the court and may be used only to
26 pay for the cost of locating the child and returning him to his
27 habitual residence if the child is wrongfully removed from or
28 concealed outside the country of habitual residence. The fact
that a parent has significant commitments in a foreign country
does not create a presumption that the parent poses an
imminent risk of wrongfully removing or concealing the child.

1 The parents understand and acknowledge that, pursuant to the
2
3 terms of the Parental Kidnaping Prevention Act, 28 U.S.C. §1738A, and
4 the Uniform Child Custody Jurisdiction and Enforcement Act, NRS
5 125A.005, et seq., the courts of Nevada have exclusive modification
6
7 jurisdiction of the custody, visitation, and child support terms relating to
8 the child at issue in this case so long as either of the parents, or the child,
9
10 continue to reside in Nevada.

11 The parents acknowledge that the United States is the country and
12 Nevada is the State of habitual residence of the minor child herein.

13
14 **13. Child Support Statutory Notices.** NOTICE IS HEREBY
15 GIVEN that the following statutory notices relating to child support are
16 applicable to Petitioners:
17

18 The parties are subject to the provisions of **NRS 31A** and **125.007**
19 regarding the collection of delinquent child support payments.
20

21 Pursuant to **NRS 125B.095**, if an installment of an obligation to pay
22 support for a child becomes delinquent in the amount owed for 1 month's
23 support, a 10% per annum penalty must be added to the delinquent
24 amount.
25

26 Pursuant to **NRS 125B.140**, if an installment of an obligation to pay
27 support for a child becomes delinquent, the court shall determine interest
28 upon the arrearages at a rate established pursuant to **NRS 99.040**, from

1 the time each amount became due. Interest shall continue to accrue on the
2 amount ordered until it is paid, and additional attorney's fees must be
3 allowed if required for collection.
4

5 Pursuant to **NRS 125B.145**, an award of child support shall be
6 reviewed by the court at least every three (3) years to determine whether
7 the award should be modified. The review will be conducted upon the
8 filing of a request by a (1) parent or legal guardian of the child; or (2) the
9 Nevada State Welfare Division or the District Attorney's Office, if the
10 Division of the District Attorney has jurisdiction over the case.
11
12
13

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

16 (a) The welfare division of the department of
17 human resources, its designated representative or
18 the district attorney, if the welfare division or the
19 district attorney has jurisdiction in the case; or

20 (b) A parent or legal guardian of the child,
21 be reviewed by the court at least every 3 years
22 pursuant to this section to determine whether the
23 order should be modified or adjusted. Each review
24 conducted pursuant to this section must be in
25 response to a separate request.

26 . . .
27 4. An order for the support of a child may be reviewed at any
28 time upon the basis of changed circumstances.

29 If you want to adjust the amount of child support established in this
30 Order, you must file a motion to modify the order with or submit a
31 stipulation to the Court. If a motion to modify the order is not filed or a
32 stipulation is not submitted, the child support obligation established in

1 this order will continue until such time as all children who are the subject
2 of this order reach 18 years of age, or if the youngest child who is subject
3 to this order is still in high school when s/he reaches 18 years of age, when
4 the child graduates from high school or reaches 19 years of age, whichever
5 comes first. Unless the parties otherwise agree in a stipulation, any
6 modification made pursuant to a motion to modify the order will be
7 effective as of the date the motion was filed.
8
9
10

11 Pursuant to **NRS 125.450(2)**, the wages and commissions of the
12 parent responsible for paying support shall be subject to assignment or
13 withholding for the purpose of payment of the foregoing obligation of
14 support as provided in **NRS 31A.020** through **31A.240**, inclusive.
15

16 Pursuant to **NRS 125B.055(3)**, each party must, within ten (10)
17 days after the entry of this Order, file with the Eighth Judicial District
18 Court, Family Division, 601 North Pecos Road, Las Vegas, Nevada 89101,
19 and with the State of Nevada, Department of Human Resources, Welfare
20 Division, a Child Support and Welfare Party Identification Sheet setting
21 forth:
22
23
24

- 25 (a) The names, dates of birth, social security numbers
26 and driver's license numbers of the parents of the child;
27 (b) The name and social security number of the child;
28 (c) The case identification number assigned by the court; and
(d) Such other information as the welfare department
determines is necessary to carry out the provisions of 42
U.S.C. Section 654a.

1 14. **Division of Assets and Debts.** That the Petitioners have
2
3 entered into an equitable agreement settling all issues regarding the
4 division and distribution of assets and debts, which is outlined in the Joint
5 Petition, a filed-stamped copy of which is attached hereto as **Exhibit “1.”**
6
7 Petitioners request that the terms in their Joint Petition for Divorce be
8 ratified, confirmed, and incorporated into this Decree of Divorce as though
9 fully set forth.
10

11 15. **Alimony.** That the Petitioners have entered into an equitable
12 agreement settling the issue of spousal support which is outlined in the
13 Joint Petition, a filed-stamped copy of which is attached hereto as **Exhibit**
14 **“1.”** Petitioners request that the terms in their Joint Petition for Divorce
15 be ratified, confirmed, and incorporated into this Decree of Divorce as
16 though fully set forth.
17
18

19 16. **Jurisdiction.** That this Court has complete jurisdiction to
20 enter this Decree and the orders regarding the distribution of assets and
21 debts.
22

23 17. **Waiver of Respective Rights.** That the Petitioners waive
24 their rights to a written notice of entry of decree or judgment, to request
25 findings of fact and conclusions of law, to appeal, and to move for a new
26 trial.
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18. **Other Necessary Findings of Fact.** That any other necessary findings of fact are attached and incorporated herein.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the bonds of matrimony now existing between the Petitioners are dissolved and an absolute Decree of Divorce is granted to the parties, and each of the parties is restored to the status of an unmarried person.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the terms, as they are stated in Petitioner's Joint Petition for Divorce, regarding child custody, visitation, child support, medical insurance and expenses, and the tax deduction, are hereby ratified, confirmed, and incorporated into this Decree as though fully set forth.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to EDCR 5.302(d), the requirement to attend and complete the seminar for separating parents shall be waived. That pursuant to EDCR 5.302(e), jurisdiction shall be reserved to order the parties to complete the seminar for separating parents during any post-judgment child custody proceedings.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the terms, as they are stated in Petitioners' Joint Petition for Divorce, regarding the division of assets and debts, are hereby ratified, confirmed, and incorporated into this Decree as though fully set forth.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the terms, as they are stated in Petitioners' Joint Petition for Divorce, regarding the issue of spousal support are hereby ratified, confirmed, and incorporated into this Decree as though fully set forth.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that AMMIE ANN WALLACE may restore her maiden name: AMMIE ANN OLSON, and/or she may retain her married name: AMMIE ANN WALLACE. If AMMIE ANN WALLACE desires to return to her maiden name, she will submit an Order for Name Change to the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party shall submit the information required in NRS 125B.055, NRS 125.130, and NRS 125.230 on a separate form to the Court and Welfare Division of the Department of Human Resources within ten days from the date this Decree is filed. Such information shall be maintained by the Clerk in a confidential manner and not part of the public record. The parties shall update the information filed with the Court and the Welfare

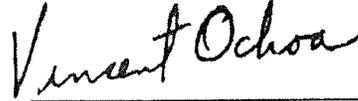
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1 Division of the Department of Human Resources within ten days should
2 any of that information become inaccurate.
3

4 **THIS IS A FINAL DECREE.**

5 IT IS SO ORDERED this ____ day of _____, 2020.

6 Dated this 10th day of September, 2020

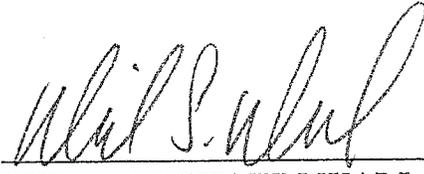
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9 **DISTRICT COURT JUDGE**
10 **DBA 49B DBDD B036**
11 **Vincent Ochoa**
12 **District Court Judge**

13 Respectfully submitted by:

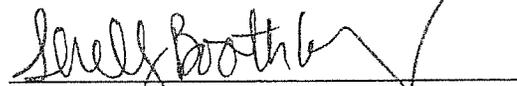
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15 **AMMIE ANN WALLACE**
16 **First Joint Petitioner**

17 

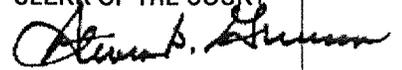
18 **WILLIAM SHAWN WALLACE**
19 **Second Joint Petitioner**

20 **THE COOLEY LAW FIRM**

21 

22 **Shelly Booth Cooley**
23 **Nevada State Bar No. 8992**
24 **10161 Park Run Drive, Suite 150**
25 **Las Vegas, Nevada 89145**
26 **Attorney for First Joint Petitioner,**
27 **AMMIE ANN WALLACE**
28

EXHIBIT “1”



1 PSDD
2 THE COOLEY LAW FIRM
3 Shelly Booth Cooley
4 Nevada State Bar No. 8992
5 10161 Park Run Drive, Suite 150
6 Las Vegas, Nevada 89145
7 Telephone Number: (702) 265-4505
8 Facsimile Number: (702) 645-9924
9 E-mail: scooley@cooleylawlv.com
10 Attorney for First Joint Petitioner,
11 AMMIE ANN WALLACE

CASE NO: D-20-613567-Z
Department: To be determined

12 DISTRICT COURT
13 FAMILY DIVISION
14 CLARK COUNTY, NEVADA

15 AMMIE ANN WALLACE,

Case No.
Dept No.

16 First Joint Petitioner,

17 And

18 WILLIAM SHAWN WALLACE,

19 Second Joint Petitioner.
20

21 **JOINT PETITION FOR DIVORCE**
22 **AND UCCJEA DECLARATION**
23

24 First Joint Petitioner, AMMIE ANN WALLACE (“MOTHER”), by
25 and through her counsel of record, Shelly Booth Cooley and The Cooley
26 Law Firm, and Second Joint Petitioner, WILLIAM SHAWN WALLACE
27 (“FATHER”), in Proper Person, hereby petition this Court, pursuant to the
28 terms of Chapter 125 of the Nevada Revised Statutes, to grant them a

1 divorce. Petitioners respectfully show, and, under oath, state to the Court
2 that every condition of NRS 125.181 has been met and further state as
3 follows:
4

5 1. **Residency.** WILLIAM SHAWN WALLACE and AMMIE ANN
6 WALLACE are now, and for more than six weeks prior to the
7 commencement of this action has been, actual, bona fide residents and
8 domiciliaries of the County of Clark, State of Nevada, actually and
9 physically residing and being domiciled therein during all of said period
10 of time, and during all of said period of time has had, and still have, the
11 intent to make the State of Nevada their home, residence and domicile for
12 an indefinite period of time.
13
14
15

16 2. **Marriage.** Petitioners were married on or about the 10th day
17 of October, 2009, in the City of Las Vegas, County of Clark, State of
18 Nevada, and have ever since been husband and wife.
19
20

21 3. **Cause for Divorce.** That since said marriage, the Petitioners
22 have become and are incompatible in marriage and no reconciliation is
23 possible.
24

25 4. **Mailing Addresses.** The mailing addresses of the Petitioners
26 are:
27

28 **First Petitioner:** AMMIE ANN WALLACE's current mailing
address is 9543 Wooded Heights Ave., Las Vegas, NV 89148.

1 **Second Petitioner:** WILLIAM SHAWN WALLACE's current
2
3 mailing address is 9382 Monterey Cliffs, Las Vegas, NV 89148.

4 5. **Pregnancy.** AMMIE ANN WALLACE is not now pregnant,
5
6 and the parties are not now Intended Parents.

7 6. **Children.** There are three (3) minor children of this marriage
8
9 or adopted by the parties. The names and information is listed below:

Name	Date of Birth	State of Residence	How Long Child Lived in State	Disability
William Shawn Wallace, Jr.	06/24/2010	NV	08/01/2017	No
Miller Clyde Wallace	05/15/2012	NV	08/01/2017	No
Quinn Rose Wallace	01/18/2015	NV	08/01/2017	No

10
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16 7. **UCCJEA Declaration.** The children's state of habitual
17
18 residence is Nevada as the children have lived in the state of Nevada for
19 the past six (6) months, or since birth.

20 a. **Living Arrangements Last 5 Years.** The children have
21
22 lived with the following persons in the following places within
23 the last five (5) years.

Time Period	Name of Person the Children Lived With	City and State	Child's Name
2015-08/01/2017	Both Parents		All children
08/01/2017-Present	Mother	Las Vegas, NV	All children

1 **b. Participation in Other Cases.** Neither Petitioner has
2 participated in any case concerning these children as a party,
3 witness, or in some other capacity.
4

5 **c. Knowledge of Other Cases.** Joint Petitioners do not
6 know of any other case that could affect this case, such as
7 other custody cases, domestic violence cases, protection order
8 cases, or adoptions/terminations.
9

10 **d. Persons Who Claim Custody/Visitation.** There are no
11 other persons, other than the parties in this matter, who have
12 custody of the children or who can claim a right to custody or
13 visitation with the children.
14

15 **8. Legal Custody.** Petitioners are fit and proper persons to be
16 awarded joint legal custody of the minor children, which shall entail the
17 following:
18

19 The parents shall make every effort to maintain free
20 access and unhampered contact between the minor child(ren)
21 and the other parent. Neither parent shall do anything which
22 shall estrange the child from the other parent or impair the
23 natural development of the child(ren)'s love and respect for
24 each of the parents. Both parents understand that parenting
25 requires the acceptance of mutual responsibilities and rights
26 insofar as the child(ren) is concerned. Therefore, neither shall
27 disparage the other in the presence of the minor child(ren).
28

 The parents shall consult and cooperate with each other
in substantial questions relating to religious upbringing,
educational programs, significant changes in social

1 environment, and health care of the child(ren).

2
3 The parents shall have access to medical and school
4 records pertaining to the child(ren) and be permitted to
5 independently consult with any and all professionals involved
6 with him.

7 Each parent shall be empowered to obtain emergency
8 health care for the child(ren) without the consent of the other
9 parent. Each parent is to notify the other parent as soon as
10 reasonably possible of any illness requiring medical attention,
11 or any emergency involving the child(ren).

12 Each parent shall be responsible for keeping themselves
13 apprised with information of the well-being of the child(ren),
14 including, but not limited to copies of report cards, school
15 meeting notices, vacation schedules, class programs, requests
16 for conferences, results of standardized or diagnostic tests,
17 notices of activities involving the child(ren), samples of school
18 work, order forms for school pictures, all communications from
19 health care providers, the names, addresses and telephone
20 numbers of all schools, health care providers, regular day care
21 providers and counselors.

22 Each parent shall be responsible for keeping themselves
23 apprised of school, athletic, and social events in which the
24 child(ren) participates. Neither parent shall prevent the
25 child(ren)'s participation in extra-curricular activities. Both
26 parents may participate in school activities for the child(ren)
27 such as open house, attendance at an athletic event, etc.

28 The parents will consult with each other before enrolling
the minor child(ren) in any extracurricular activities. For
those activities that would require the minor child(ren) to
participate in them during the other parent's custodial time,
those activities must be agreed to in advance by the parties,
before enrolling the child(ren) in the extra-curricular activity.

Each parent is to provide the other parent with the
address and telephone number at which the minor child(ren)
resides, and to notify the other parent within five (5) days

1 prior to any change of address and provide the telephone
2 number as soon as it is assigned.

3 Each parent is to provide the other parent with a travel
4 itinerary and telephone numbers at which the child(ren) can
5 be reached whenever s/he will be away from the parent's home
6 for a period of twenty-four hours (24) or more.

7 Each parent shall be entitled to daily, reasonable
8 telephone communication with the child(ren) on any day that
9 the parent does not have custody of the child(ren), not to
10 exceed one (1) telephone call per day. Said call shall be
11 initiated by the parent seeking to contact the child(ren). Each
12 parent is restrained from unreasonably interfering with the
13 child(ren)'s right to privacy during such telephone
14 conversations.

15 **9. Physical Custody.** The Petitioners agree that primary
16 physical custody of the children should be granted to AMMIE ANN
17 WALLACE. The Petitioners agree that WILLIAM SHAWN WALLACE
18 should have custody of the children Monday through Friday, from 3:30
19 p.m. (or after school if school is in session), through 6:30 p.m. The
20 Petitioners agree that weekends, defined as Friday at 6:30 p.m. to Sunday
21 at 6:30 p.m., should be alternated: Mother's weekend is 09/11/2020.
22 Father's weekend is 09/04/2020.

23 **10. Holiday Visitation Schedule.** Petitioners agree to abide by
24 the following holiday visitation schedule, which shall take precedence
25 over, but not break the continuity of, the regular visitation schedule and
26 shall be defined as follows:
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EXTENDED HOLIDAYS	ODD YEAR	EVEN YEAR
<u>Spring Break</u> : This holiday shall begin when school recesses on the last day of school (or 3:30 p.m. if school is not in session) and continues until 9:00 a.m. on the Monday following Easter Sunday (or when the children are scheduled to resume school).	Mother	Father
<u>Thanksgiving and Family Day</u> : This holiday shall include the fourth Thursday in November and the Friday following the fourth Thursday in November and shall begin when school recesses for the Thanksgiving Break (or 3:30 p.m. if school is not in session) and continues until school is scheduled to resume (or 9:00 a.m. if the children are not in school).	Father	Mother
<u>Winter Break</u> : Winter Break shall be divided into two (2) periods. The first period shall begin when school recesses for Winter Break (or 3:30 p.m. if the children are not in school) and continues until December 24 th at 10:00 p.m. The second period shall commence at 10:00 p.m. on December 24 th and continues until school is scheduled to resume (or 9:00 a.m. if the children are not in school).		
<u>First Period</u>	Father	Father
<u>Second Period</u>	Mother	Mother
SPECIAL OCCASIONS	ODD YEAR	EVEN YEAR
<u>Mother's Day</u> : This special occasion shall be defined as the second Sunday in May and shall begin at 9:00 a.m. on the individual day and continue until 9:00 p.m. on the same day.	Mother	Mother

<p><u>Father's Day</u>: This special occasion shall be defined as the third Sunday in June and shall begin at 9:00 a.m. on the individual day and continue until 9:00 p.m. on the same day.</p>	Father	Father
<p><u>Children's Birthdays</u>: This special occasion visitation shall begin at 9:00 a.m. on the individual day and continue until 9:00 p.m. on the same day.</p>	Mother	Father
<p><u>Mother's Birthday</u>: This special occasion shall be defined as December 23rd and shall begin at 9:00 a.m. on the individual day and continue until 9:00 p.m. on the same day.</p>	Mother	Mother
<p><u>Father's Birthday</u>: This special occasion shall be defined as May 25th and shall begin at 9:00 a.m. on the individual day and continue until 9:00 p.m. on the same day.</p>	Father	Father

SUMMER VACATIONS

Each parent shall be entitled to one (1) vacation each year with the children for a period not to exceed four (4) consecutive weeks (unless otherwise agreed to in writing). Each parent shall designate his/her respective vacation plans and provide a general itinerary at least 30 days before the planned vacation. The dates shall be conveyed to the other party in writing by way of electronic mail (e-mail). If there is a conflict in dates, the parent who designates the vacation first (as verified by the e-mail) will prevail as to the vacation time. Neither parent shall schedule vacation time during the other parent's holiday time or during time the children are scheduled to be in school.

Other Holidays, Breaks and Special Occasions: Any holiday, break or special occasion not specifically mentioned in this Joint Petition for Divorce shall be celebrated with the parent who is regularly scheduled to be with the minor children on that day.

1 Should a holiday fall on the other parent's visitation, the holiday
2
3 visitation shall take precedence over the regular visitation schedule.

4 **11. Parties' Incomes.**

5 AMMIE ANN WALLACE's gross monthly income is \$8,583.

6 WILLIAM SHAWN WALLACE's gross monthly income is
7
8 \$10,000.00.

9
10 **12. Child Support.** The child support calculation would require
11 WILLIAM SHAWN WALLACE to pay \$2,080 per month in child support.
12 The Petitioners agree to set child support at a different amount.
13 Accordingly, WILLIAM SHAWN WALLACE shall pay child support to
14 AMMIE ANN WALLACE in the amount of \$1,000.00 per month (\$333.33
15 per child) pursuant to NAC 425.140(2) and NAC 425.150. The parties
16 certify that the basic needs of the children are met or exceeded by the
17 stipulated child support obligation. The child support obligation for each
18 particular child is terminated beginning on the first day of the month
19 following the date on which the child reaches 18 years of age or, if the
20 child is still in high school, the first day of the month following the date
21 on which the child graduates from high school or reaches 19 years of age,
22 whichever comes first.
23
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26
27

28 The parties are on NOTICE that, if either party seeks a review of the
stipulated child support obligation for any authorized reason, the court

1 will calculate the child support obligation in accordance with the child
2 support guidelines in effect at the time of the review.
3

4 **13. Public Assistance.** Each Petitioner certifies that s/he is not
5 currently receiving public assistance and has not applied for public
6 assistance.
7

8 **14. Back Child Support.** Petitioners agree that no child support
9 arrears exist. The Petitioners are not and have not received welfare
10 benefits at any time.
11

12 **15. Wage Withholding.** Petitioners agree that a wage
13 withholding is not needed for support payments.
14

15 **16. Child Care.** Pursuant to NAC 425.130, each party shall be
16 responsible for the costs of child care incurred while the children are in
17 his/her care.
18

19 **17. Medical Coverage.** The minor children are entitled to the
20 continued provision of medical insurance by both Petitioners, including
21 psychological, psychiatric, dental and optical insurance, as well as
22 hospitalization insurance. Each Petitioner shall be responsible for the
23 premiums associated with his/her private medical insurance.
24

25 **18. Unreimbursed Medical Expenses.** AMMIE ANN WALLACE
26 and WILLIAM SHAWN WALLACE should equally bear all unreimbursed
27 medical expenses, including vision, dental and orthodontic expenses,
28

1 which are not covered by said insurance.

2
3 19. **“30/30 Rule.”** AMMIE ANN WALLACE and WILLIAM
4 SHAWN WALLACE should follow the “30/30 Rule” for payment of all
5 unreimbursed medical/dental expenses as follows: Each party shall be
6 responsible for the payment of the entirety of such medical related
7 expense at the time medical treatment is rendered to the child while in
8 such parent's care. If a party pays a medical/dental expense for a child
9 which is not paid by insurance, that party must send proof of payment of
10 the expense to the other party within 30 days from the date he/she incurs
11 and pays for any such medical related expense. The other party shall then
12 have 30 days to reimburse the paying party one-half the cost.
13
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15

16
17 20. **Dependency Exemption.** The dependency exemption should
18 be allocated per federal law.

19
20 21. **Division of Community Property.** There is no community
21 property to be adjudicated by the Court.

22
23 Petitioners agree that AMMIE ANN WALLACE is hereby awarded
24 as her sole and separate property, free of any claims of WILLIAM
25 SHAWN WALLACE, sole ownership of the following:

26
27 A. All right, title and interest in any and all bank accounts
28 or other financial institution accounts titled in AMMIE ANN
WALLACE's sole name, or held jointly with anyone other than

1 WILLIAM SHAWN WALLACE.

2
3 B. All right, title and interest in the automobile in her
4 possession.

5 C. All right, title and interest in any and all retirement
6 plans, deferred compensation retirement plans, pensions,
7 profit sharing, IRA(s), KEOGH(s), 401(k)'s, stock purchase
8 rights or other pension rights or other such tax-deferred
9 retirement benefits in her name alone.
10

11 D. All right, title and interest in any and all money market
12 accounts, certificates of deposit, safe deposit boxes, stocks,
13 bonds, mutual funds and other brokerage accounts in her
14 name alone, or held jointly with anyone other than WILLIAM
15 SHAWN WALLACE.
16

17 E. All right, title and interest in the Nevada Domestic
18 Limited-Liability Company, Noble Title Ltd. [Entity Number
19 E0929172006-1] (Status: Active), including, but not limited to,
20 all membership interests and management rights.
21

22 F. All right, title and interest in the Nevada Domestic
23 Limited-Liability Company, Kingsgate Real Estate Ltd [Entity
24 Number E0211252018-8] (Status: Active), including, but not
25 limited to, all membership interests and management rights.
26
27
28

1 G. All right, title and interest in the furniture, furnishings,
2 appliances and household goods in her possession.
3

4 H. All personal property and jewelry in her possession.

5 I. All of her personalties.
6

7 Petitioners agree that WILLIAM SHAWN WALLACE is hereby
8 awarded as his sole and separate property, free of any claims of AMMIE
9 ANN WALLACE, sole ownership of the following:
10

11 A. All right, title and interest in any and all bank accounts
12 or other financial institution accounts titled in WILLIAM
13 SHAWN WALLACE's sole name, or held jointly with anyone
14 other than AMMIE ANN WALLACE.
15

16 B. All right, title and interest in any automobile(s) in his
17 possession.
18

19 C. All right, title and interest in any and all retirement
20 plans, deferred compensation retirement plans, pensions,
21 profit sharing, IRA(s), KEOGH(s), 401(k)'s, stock purchase
22 rights or other pension rights or other such tax-deferred
23 retirement benefits in his name alone.
24

25 D. All right, title and interest in any and all money market
26 accounts, certificates of deposit, safe deposit boxes, stocks,
27 bonds, mutual funds and other brokerage accounts in his name
28

1 alone, or held jointly with anyone other than AMMIE ANN
2 WALLACE.
3

4 E. All right, title and interest in any businesses and/or
5 entities, including, but not limited to, all membership interests
6 and management rights.
7

8 F. All right, title and interest in the furniture, furnishings,
9 appliances and household goods in his possession.
10

11 G. All personal property and jewelry in her possession.

12 H. All of his personalties.
13

14 22. **Division of Community Debt.** There is no community debt
15 to be adjudicated by the Court.
16

17 Petitioners agree that AMMIE ANN WALLACE shall assume and
18 pay the following debts, and she shall further indemnify and hold
19 WILLIAM SHAWN WALLACE harmless therefrom:
20

21 A. Any and all debts associated with the assets awarded to
22 her herein.
23

24 B. Any and all debts in her name alone.

25 C. Any and all credit cards in her name alone.

26 D. Any and all debts incurred solely by AMMIE ANN
27 WALLACE since the parties' separation, which occurred on
28 08/01/2017.

1 Petitioners agree that WILLIAM SHAWN WALLACE shall assume
2
3 and pay the following debts, and he shall further indemnify and hold
4 AMMIE ANN WALLACE harmless therefrom:

5 A. Any and all debts associated with the assets awarded to
6
7 him herein.

8 B. Any and all debts in his name alone.

9 C. Any and all credit cards in his name alone.

10 D. Any and all student loans in his name alone.

11 E. Any and all debts incurred solely by WILLIAM SHAWN
12
13 WALLACE since the parties' separation, which occurred on
14
15 08/01/2017.

16 23. **Alimony.** Neither Petitioner should be awarded alimony.

17 24. **Tax Provisions.** Petitioners acknowledge that they have not
18
19 filed income tax returns for 2018 or 2019. With regard to 2018
20
21 and 2019 tax years only, Petitioners agree that they will
22
23 equally divide any refunds received or obligations owed.
24
25 Petitioners agree that each party shall file separate income tax
26
27 returns for 2020, as if the parties were divorced on January 1,
28
2020. Each party will report their own individual employment
earnings, income, gains and/or deductions arising from the
assets and debts awarded to them herein, and the parties

1 agree to indemnify and hold harmless the other from any tax
2
3 penalties or interest related to their individual tax obligation.

4 **25. Name Change.** AMMIE ANN WALLACE may restore her
5
6 maiden name: AMMIE ANN OLSON, and/or she may retain her married
7
8 name: AMMIE ANN WALLACE. If AMMIE ANN WALLACE desires to
9
10 return to her maiden name, she will submit an Order for Name Change
11 to the Court.

12 **26. Attorneys Fees and Costs.** Petitioners agree that each party
13
14 should bear their own attorneys' fees and costs incurred in this matter.
15
16 shall bear their own fees and costs associated with this matter.

17 **27.** Petitioners certify that they have disclosed all community
18 assets and debts and that there are no other community assets or debts
19 for this Court to divide.

20 **28.** Petitioners hereby request that this Court enter a Decree of
21 Divorce, incorporating into that Decree the provisions made herein.

22 **29.** It is understood by Petitioners that entry of a Decree of Divorce
23 constitutes a final adjudication of the rights and obligations of the parties
24 with respect to the status of the marriage. Petitioners each expressly give
25 up their respective rights to receive written notice of any judgment or
26 decree of divorce, and Petitioners give up their right to request formal
27 findings of fact and conclusions of law. Petitioners waive their right to
28

1 appeal the Decree of Divorce, and the right to move for a new trial.

2
3 30. It is further understood by the Petitioners that a final Decree
4 of Divorce entered by this summary procedure does not prejudice or
5 prevent the rights of either Petitioner to bring an action to set aside the
6 final decree for fraud, duress, accident, mistake or the grounds recognized
7 at law or in equity.
8

9
10 31. That as of the date of the filing of this Petition, every condition
11 set forth in NRS 125.181 has been met.

12 WHEREFORE, Petitioners pray judgment as follows:

13
14 1. That the bonds of matrimony now and heretofore existing
15 between the parties be dissolved, that Petitioners be granted an absolute
16 Decree of Divorce, and that the parties hereto be released from all the
17 obligations thereof and restored to the status of single persons.
18

19 2. That the terms agreed upon in this Joint Petition be included
20 in the Decree; and
21

22 ...

23 ...

24 ...

25 ...

26 ...

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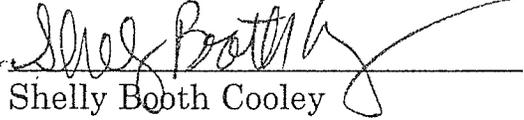
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1 3. For such other and further relief as the Court may deem just
2
3 and proper in the premises.

4 DATED this 21 day of AUGUST, 2020.

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7 
8 AMMIE ANN WALLACE
9 First Joint Petitioner

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8 WILLIAM SHAWN WALLACE
9 Second Joint Petitioner

10 THE COOLEY LAW FIRM
11 
12 Shelly Booth Cooley
13 Nevada State Bar No. 8992
14 10161 Park Run Drive, Suite 150
15 Las Vegas, Nevada 89145
16 Attorney for First Joint Petitioner,
17 AMMIE ANN WALLACE
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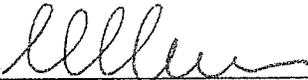
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VERIFICATION

STATE OF NEVADA)
)ss
COUNTY OF CLARK)

AMMIE ANN WALLACE, being first duly sworn, deposes and says:

That she is the First Joint Petitioner in the above-entitled action; that she has read the foregoing Joint Petition for Divorce and knows the contents thereof; that the same is true of her own knowledge except for those matters therein stated on information and belief and as to those matters, she believes them to be true.

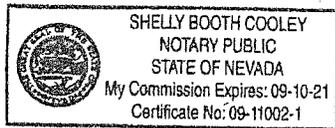


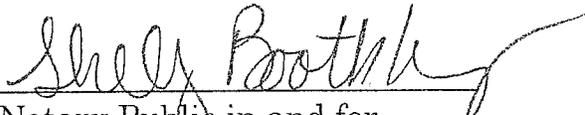
AMMIE ANN WALLACE

ACKNOWLEDGMENT

STATE OF NEVADA)
)ss
COUNTY OF CLARK)

On this 4 day of September, 2020, personally appeared before me, a Notary Public in and for said County and State, AMMIE ANN WALLACE, known to me to be the person described herein and who executed herein and who executed the foregoing Joint Petition for Divorce, who acknowledged to me that the same was executed freely and voluntarily and for the uses and purposes therein mentioned.





Notary Public in and for
Said County and State

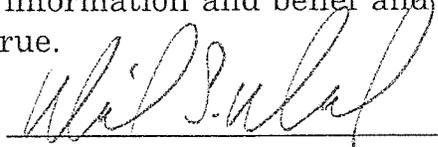
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VERIFICATION

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

WILLIAM SHAWN WALLACE, being first duly sworn, deposes and says:

That he is the Second Joint Petitioner in the above-entitled action; that he has read the foregoing Joint Petition for Divorce and knows the contents thereof; that the same is true of his own knowledge except for those matters therein stated on information and belief and as to those matters, he believes them to be true.

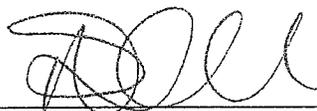


WILLIAM SHAWN WALLACE

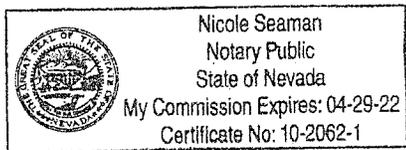
ACKNOWLEDGMENT

STATE OF NEVADA)
)ss
COUNTY OF CLARK)

On this 21 day of Aug., 2020, personally appeared before me, a Notary Public in and for said County and State, WILLIAM SHAWN WALLACE, known to me to be the person described herein and who executed herein and who executed the foregoing Joint Petition for Divorce, who acknowledged to me that the same was executed freely and voluntarily and for the uses and purposes therein mentioned.



Notary Public in and for
Said County and State



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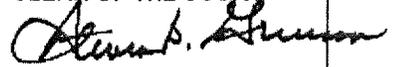
DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the Joint Petition for Divorce of: Ammie Ann Wallace and William Shawn Wallace	CASE NO: D-20-613567-Z DEPT. NO. Department S
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AUTOMATED CERTIFICATE OF SERVICE

Electronic service was attempted through the Eighth Judicial District Court's electronic filing system, but there were no registered users on the case. The filer has been notified to serve all parties by traditional means.

Exhibit “2”



1 **NEO**
2 **THE COOLEY LAW FIRM**
3 Shelly Booth Cooley
4 Nevada State Bar No. 8992
5 10161 Park Run Drive, Suite 150
6 Las Vegas, Nevada 89145
7 Telephone Number: (702) 265-4505
8 Facsimile Number: (702) 645-9924
9 E-mail: scooley@cooleylawlv.com
10 Attorney for Plaintiff,
11 **AMMIE ANN WALLACE**

7 **DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

9 **AMMIE ANN WALLACE,**

10 Plaintiff,

11 vs.

12 **WILLIAM SHAWN WALLACE,**

13 Defendant

Case No. D-20-613567-Z
Dept No. S

Date of Hearing: 08/12/2021
Time of Hearing: 9:15 a.m.

15 **NOTICE OF ENTRY OF ORDER**

16 PLEASE TAKE NOTICE that Findings of Fact, Conclusions of Law,
17 and Order were entered in the above-entitled matter on 09/09/2021. A
18 copy of said Order is attached hereto.
19

20 DATED this 16 day of September, 2021.

21 **THE COOLEY LAW FIRM**

22 By /s/ Shelly Booth Cooley
23 Shelly Booth Cooley
24 Nevada Bar No. 8992
25 10161 Park Run Drive, Suite 150
26 Las Vegas, Nevada 89145
27 Attorney for Plaintiff,
28 **AMMIE ANN WALLACE**

Electronically Filed
09/09/2021 2:54 PM
Heather S. Hume
CLERK OF THE COURT

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ORDR

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

AMMIE ANN WALLACE,

Plaintiff,

vs.

WILLIAM SHAWN WALLACE,

Defendant.

Case No.:
D-20-613567-Z
Dept. No.:
S

Date of Hearing: 08/12/2021
Time of Hearing: 9:15 a.m.

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
ORDER**

This matter having come on for hearing on the 12th day of August, 2021; Plaintiff, Ammie Ann Wallace (Ammie) being present and represented by Shelly Booth Cooley of The Cooley Law Firm via video; Defendant, William Shawn Wallace (William) being present and represented by John T. Kelleher of Kelleher & Kelleher via video. The Court having considered the papers and pleadings on file herein, as well as the argument of counsel and the parties, and after taking the matter under advisement, FINDS and ORDERS as follows.

1 **Findings of Fact**

2 That the parties were divorced on 09/10/2020. That the Decree of
3 Divorce (Decree) is the controlling order in this case. That Decree
4 consists of the Decree of Divorce and Joint Petition for Divorce and
5 UCCJEA Declaration (Petition).
6

7 This Court has continuing personal and subject matter
8 jurisdiction in this case. This Court has continuing exclusive custody
9 jurisdiction over post-judgment custody matters pursuant to the
10 UCCJEA as adopted in Nevada Revised Statutes. Ammie and William
11 are residents of Nevada, and Nevada is the home state of the parties'
12 minor children.
13

14 That in the Decree, Ammie and William requested that the
15 "agreement settling all issues regarding child custody, visitation, child
16 support, medical insurance and expenses, and the tax deduction,"
17 outlined in the Petition, "being fair, in the children's best interest, and
18 meets the children's financial needs, be ratified, confirmed, and
19 incorporated into the Decree as though fully set forth." Decree at 3:23-
20 4:4.
21
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23 That in the Decree, Ammie and William asserted, "that the
24 amount of child support ordered herein is in compliance with the
25

1 guidelines established by the Administrator of the Division of Welfare
2 and Supportive Services or has been stipulated to by the parties with
3 the required certifications and disclosures required by the guidelines.”
4

5 Decree at 4:14-20.

6 That pursuant to the Petition, the parties share joint legal custody
7 of the children, to wit: William Shawn Wallace, Jr., date of birth:
8 06/24/2010, age 11; Miller Clyde Wallace, date of birth: 05/15/2012, age
9 9; and, Quinn Rose Wallace, date of birth: 01/18/2015, age 6. Petition at
10 4:17-19.
11

12 That pursuant to the Petition:

13 9. **Physical Custody.** The Petitioners agree that
14 primary physical custody of the children should be granted
15 to AMMIE ANN WALLACE. The Petitioners agree that
16 WILLIAM SHAWN WALLACE should have custody of the
17 children Monday through Friday, from 3:30 p.m. (or after
18 school if school is in session), through 6:30 p.m. The
19 Petitioners agree that weekends, defined as Friday at 6:30
20 p.m. to Sunday at 6:30 p.m., should be alternated: Mother’s
21 weekend is 09/11/2020. Father’s weekend is 09/04/2020.

22 Petition at 6:13-23. The parties agreed to a comprehensive Holiday
23 Visitation Schedule outlined in the Petition. Petition at 6:24-8:24.
24

25 That pursuant to the Petition:

...

...

1 11. **Parties' Incomes.**

2 AMMIE ANN WALLACE's gross monthly income is
3 \$8,583.

4 WILLIAM SHAWN WALLACE's gross monthly income
5 is \$10,000.00.

6 12. **Child Support.** The child support calculation
7 would require WILLIAM SHAWN WALLACE to pay \$2,080
8 per month in child support. The Petitioners agree to set child
9 support at a different amount. Accordingly, WILLIAM
10 SHAWN WALLACE shall pay child support to AMMIE ANN
11 WALLACE in the amount of \$1,000.00 per month (\$333.33
12 per child) pursuant to NAC 425.140(2) and NAC 425.150.
13 The parties certify that the basic needs of the children are
14 met or exceeded by the stipulated child support obligation.
15 The child support obligation for each particular child is
16 terminated beginning on the first day of the month following
17 the date on which the child reaches 18 years of age or, if the
18 child is still in high school, the first day of the month
19 following the date on which the child graduates from high
20 school or reaches 19 years of age, whichever comes first.

21 Petition at 9:4-27.

22 That a Consent to Self-Representation was filed in this matter on
23 09/04/2020, wherein William acknowledged that Shelly Booth Cooley
24 and The Cooley Law Firm represent Ammie, do not and will not
25 represent him, will at all times look out for Ammie's interests, not
 William's, have not given him legal advice, have urged him to obtain his
 own counsel to give him advice, and notwithstanding the suggestion to

1 obtain his own counsel to give him advice, William decided to represent
2 himself.

3 That on 06/18/2021, William filed his Motion to Modify Decree of
4 Divorce. That Motion requested that the Court modify custody, deny
5 any claim for “back child support,” and recalculate child support.
6

7 That Ammie filed her Opposition and Countermotion for
8 Attorneys’ Fees and Costs on 07/09/2021.
9

10 That William filed his Reply and Exhibits on 07/27/2021. That
11 Ammie filed her Exhibits to Opposition on 08/09/2021.

12 At the 08/12/2021 hearing, the matter came before the Court and
13 the matter was taken under advisement.

14 That on September 8, 2021, Ammie filed her Memorandum of Fees
15 and Costs seeking an award in the sum of \$10,300.00 pursuant to NRS
16 18.010 and EDCR 7.60(b). Included in the Memorandum was the
17 required Brunzell v. Golden Gate Nat’l Bank, 85 Nev. 345, 455 P.2d 31
18 (1969) analyses. Additionally, attorney-client invoices were submitted
19 in support of Ammie’s Memorandum. In support of her request, Ammie
20 contends that she prevailed in the post-judgment proceedings.
21

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1 Conclusions of Law

2 **Custody**

3 Before the Court can change custody, a hearing must be held in
4 order to assure all parties' rights are protected. Weise v. Granata, 110
5 Nev. 1410 (1994); Moser v. Moser, 108 Nev. 572 (1992). However, a
6 hearing is not required if the moving party fails to demonstrate
7 "adequate cause" in the affidavits and points and authorities for a
8 change in custody. Rooney v. Rooney, 109 Nev. 540, 853 P.2d 123
9 (1993). Specifically, the Rooney Court stated:
10
11

12 Nevada statutes and case law provide district courts
13 with broad discretion concerning child custody matters. Given
14 such discretion in this area, we hereby adopt an "adequate cause"
15 standard. That is, we hold that a district court has the discretion
16 to deny a motion to modify custody without holding a hearing
17 unless the moving party demonstrates "adequate cause" for
18 holding a hearing. "Adequate cause" requires something more
19 than allegations which, if proven, might permit inferences
20 sufficient to establish grounds for a custody change. "Adequate
21 cause" arises where the moving party presents a prima facie case
22 for modification. To constitute a prima facie case it must be shown
23 that: (1) the facts alleged in the affidavits are relevant to the
24 grounds for modification; and (2) the evidence is not merely
25 cumulative or impeaching.

(Internal Citations omitted.) Id. at 124-125. The Court FINDS William
fails to establish in his affidavit and points and authorities "adequate
cause" to require a hearing.

1 This Court may make an order at any time during the minority of
2 the child for the custody, care, education, maintenance, and support of
3 the minor children as appears in their best interests. NRS
4 125C.0045(1)(a). In custody matters, the polestar for judicial decisions
5 is the best interest of the children. NRS 125C.0035 and Schwartz v.
6 Schwartz, 107 Nev. 378, 812 P.2d 1268, 1272 (1991). Nevada statutes
7 and case law provide that the district court has broad discretion
8 concerning child custody matters. Rooney v. Rooney, 109 Nev. 540, 853
9 P.2d 123 (1993). The foundation of all custody determinations lies in the
10 particular facts and circumstances of each case. Arnold v. Arnold, 95
11 Nev. 951, 604 P.2d (1979).

12
13
14 In his Motion to Modify Decree of Divorce, William is seeking to
15 modify the award of primary physical custody to Ammie, to an award of
16 joint physical custody to the parties pursuant to Truax v. Truax, 874
17 P.2d 10, 110 Nev. 437 (1994). William maintains that he is entitled to a
18 change of custody because the parties never followed the Decree and
19 followed a joint timeshare from August 2020 through March 2021.

20
21 Ammie maintains that she has had primary physical custody of the
22 children since the parties' separation in October 2017 (and since the
23 divorce) and that the test for modifications of primary physical custody
24
25

1 is Ellis v. Carucci, 123 Nev. 145, 161 P.3d 239 (2007). Ammie
2 acknowledges that the parties followed a “flexible timeshare” as both
3 parties were working from home and the children were participating in
4 distance learning from August 2020 to March 2021, until the children
5 returned to in-person learning, and the parties resumed following the
6 timeshare outlined in the Decree, the timeshare the parties had been
7 following since their separation in August, 2017.
8

9 Pursuant to Rivero v. Rivero, 125 Nev. 410, 216 P.3d 213 (2009):
10

11 When considering whether to modify a physical custody
12 arrangement, the district court must first determine what type of
13 physical custody arrangement exists because different tests apply
14 depending on the district court’s determination. A modification to
15 a joint physical custody arrangement is appropriate if it is in the
16 child's best interest. NRS 125.510(2). In contrast, a modification to
17 a primary physical custody arrangement is appropriate when
18 there is a substantial change in the circumstances affecting the
19 child and the modification serves the child's best interest. Ellis,
20 123 Nev. at 150, 161 P.3d at 242.

21 “If a parent has physical custody less than 40 percent of the time, then
22 that parent has visitation rights and the other parent has primary
23 physical custody.” Id. at 226. The parties stipulated in the Decree of
24 Divorce that Ammie would have primary physical custody of their
25 children and William would have custody of the children Monday
through Friday, from 3:30 p.m. (or after school if school is in session),

1 through 6:30 p.m. The parties alternated the weekends. According to
2 the parties' custody agreement in the Decree, Ammie had primary
3 physical custody and William had visitation, the Decree of Divorce
4 described an approximately 80/20 (alternating weekends) timeshare,
5 and the Decree labeled the arrangement as primary physical
6 custody/visitation rights.
7

8 Reviewing the facts in the light most favorable to William, the
9 parties shared joint physical custody from August 2020, through March
10 2021, and they have been following the timeshare in the Decree since
11 April 2021, when the children returned to in-person schooling. Pursuant
12 to Rivero, the district court should calculate the time during which a
13 party has physical custody of a child over one calendar year. Id. at 225.
14 “Calculating the timeshare over a one-year period allows the court to
15 consider weekly arrangements.” Id. Calculating the time during which
16 each party had physical custody of the children between August 2020,
17 and August 2021, William had custody of the children approximately
18 30% of the parenting time and Ammie had custody of the children
19 approximately 70% of the parenting time. Reviewing the evidence in the
20 light most favorable to William, the Court FINDS the parties' custody
21 arrangement was one of primary physical custody.
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1 When a parent is seeking to modify an award of primary physical
2 custody, as William is seeking, the correct standard is Ellis v. Carucci,
3 123 Nev. 145 (2007), where the Nevada Supreme Court concluded that
4 a modification of primary physical custody is warranted only when (1)
5 there has been a substantial change in circumstances affecting the
6 welfare of the child, and (2) the modification serves the best interest of
7 the child.
8

9 In his affidavit and points and authorities, William does not allege
10 that there has been a substantial change in circumstances affecting the
11 welfare of the children. Rather, William asserts that he is entitled to a
12 “change of custody...because the parties never followed the Decree of
13 Divorce.” Reply at 6:19-21. However, in his Reply, William admits that
14 the parties began following the timeshare in the Decree in “spring of
15 2021.” Reply at 6:18. Reviewing the facts in the light most favorable to
16 William as William addressed the best interest factors outlined in NRS
17 125C.0035(4) in his moving papers, the modification of custody would
18 serve the child's best interest. However, William did not satisfy both
19 elements of Ellis v. Carucci.
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23 Pursuant to Rooney, “to constitute a prima facie case it must be
24 shown that: (1) the facts alleged in the affidavits are relevant to the
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1 grounds for modification; and (2) the evidence is not merely cumulative
2 or impeaching.” In this matter, the facts alleged in William’s affidavits
3 are not relevant to the grounds for modification as they do not satisfy
4 both elements of Ellis v. Carucci, and the evidence is merely cumulative
5 or impeaching.
6

7 Pursuant to Rooney v. Rooney, the Court FINDS there is no
8 adequate cause to hold an evidentiary hearing or trial regarding
9 William’s Motion to Modify Decree of Divorce and William’s motion is
10 denied.
11

12 **Child Support**

13 William cites to no law (statutory or caselaw) to support his
14 request that the Court deny Ammie’s claim for “back child support”
15 (which she is pursuing through the Family Support Division) or that the
16 Court recalculate child support.
17

18 Pursuant to EDCR 2.20(c),

19 A party filing a motion must also serve and file with it a
20 memorandum of points and authorities in support of each ground
21 thereof. The absence of such memorandum may be construed as
22 an admission that the motion is not meritorious, as cause for its
denial or as a waiver of all grounds not so supported.

23 William failed to file a memorandum of points and authorities in
24 support of his request the Court deny Ammie’s claim for “back child
25

1 support” or that the Court recalculate child support. The Court will
2 construe the absence of such memorandum as an admission that
3 William’s request is not meritorious and as cause for its denial.
4

5 **Attorneys’ Fees**

6 The Court is required to review elements mandated by Brunzell v.
7 Golden Gate Nat’l Bank, 85 Nev. 345, 455 P.2d 31 (1969) related to
8 Ammie’s attorney, Shelly Booth Cooley. First, as to qualities of the
9 advocate, the Court FINDS attorney Cooley has been licensed to
10 practice law for over seventeen years. The Court FINDS that attorney
11 Cooley is a licensed attorney specializing in the practice of domestic
12 relations. Next, as to character of work completed, the Court FINDS
13 this matter related to William’s underlying post-judgment motion.
14 With respect to work actually performed, as noted herein, this case
15 involved review of the underlying proceedings and understanding
16 applicable law. With respect to the result, the Court FINDS Ammie
17 was the prevailing party pursuant to NRS 18.010.
18
19

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21 The Court FINDS that Ammie is entitled to an award of attorneys’
22 fees and costs pursuant to EDCR 7.60(b), as William’s Motion is
23 frivolous, unnecessary, and unwarranted, multiples the proceedings in
24 a case as to increase costs unreasonably and vexatiously and failed to
25

1 comply with court rules. Pursuant to EDCR 5.501, William did not
2 attempt to resolve the issues in dispute with Ammie prior to filing his
3 Motion and his Motion was filed in violation of EDCR 5.501. Pursuant
4 to Rooney v. Rooney, there is no adequate cause to hold an evidentiary
5 hearing or trial regarding William's Motion to Modify Decree of Divorce.
6 Pursuant to EDCR 2.20(c), William failed to file a memorandum of
7 points and authorities in support of his child support requests, which
8 may be construed as an admission that the motion is not meritorious
9 and as cause for its denial.
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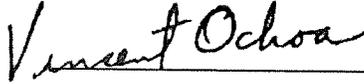
12 The Court is required to consider the parties' respective income as
13 set forth in Miller v. Wilfong, 121 Nev. 619, 119 P.3d 727 (2005). The
14 Court FINDS, on 07/09/2021, Ammie filed a Financial Disclosure Form
15 (FDF) listing total average gross monthly income (GMI) of \$14,183.34,
16 which comports with the attached payroll statements. The Court
17 FINDS, on 06/29/2021, William filed a FDF listing his GMI as
18 \$10,000.00. However, William provided a 06/15/2021 Earnings
19 Statement listing a year to date (YTD) income of \$60,902.91. The Court
20 FINDS that 06/15/2021 was 25 weeks into 2021. Therefore, the Court
21 FINDS that William's actual GMI was \$10,556.52 (\$60,902.91 YTD
22 income for 2021/25 weeks into the year = \$2,436.12 per week income X
23
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1 entered in favor of Ammie and against William. That said judgment is
2 collectible using any legal means.
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5 Order

6 IT IS SO ORDERED.
7

8 Dated this 9th day of September, 2021

9 

10 9C8 0B0 8AC9 0E06
11 Vincent Ochoa
12 District Court Judge
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DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the Joint Petition for Divorce of: Ammie Ann Wallace and William Shawn Wallace	CASE NO: D-20-613567-Z DEPT. NO. Department S
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AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District 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:

Service Date: 9/9/2021

John Kelleher	hjuilfs@kelleherandkelleher.com
Shelly Cooley	scooley@cooleylawlv.com