

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

In Re the Marriage of:)
)
YOLANDA TERESA LAMBERT,)
)
)
Petitioner,)
) Cause No. 10SL-DR00750
vs.)
) Division No. 43
)
WILLIE HAROLD GREEN,)
)
)
Respondent.)
)

JUDGMENT OF DISSOLUTION OF MARRIAGE

On July 19, 2011, this cause was called for hearing and the Court heard testimony and evidence on Petitioner’s Petition for Dissolution of Marriage. Petitioner, Yolanda Teresa Lambert, (hereinafter referred to as “Wife/Mother”) appeared in person and with her attorney, Charles E. Kirksey; Respondent, Willie Harold Green (hereinafter referred to as “Husband/Father”) appeared in person pro se. Evidence was adduced and testimony was heard. The parties thereafter submitted the cause to the Court upon the pleadings, proof, testimony and evidence. Upon this Court’s own motion, the Court takes judicial notice of its file.

The parties have not filed a request for Findings of Fact and Conclusions of Law. Therefore, the Court hereinafter makes only such findings as it deems necessary to state the grounds for its decisions, if any, as required by Rule 73.01. All fact issues upon which no specific findings are made shall be considered as having been found in accordance with the results reached. Rule 73.01(a)(2).

This matter having been submitted to the court on the pleadings and proof, and the court having considered the record, the evidence, the testimony, and the proposed Judgments of

Dissolution of Marriage filed by the parties, the court now enters its Judgment and Decree as follows:

1. The Court finds that both of the parties have been residents of this State for ninety (90) days next proceeding the commencement of this action and that thirty (30) days have elapsed since the filing of the Petition therein; the Court further finds that there remains no reasonable likelihood that the marriage between the parties can be preserved and the marriage, therefore, is irretrievably broken.

2. Husband and Wife were married on September 25, 1999 in St. Louis County, Missouri, and the marriage is registered in St. Louis County, Missouri.

3. The parties separated on or about July 2010.

4. Mother filed her original Petition for Dissolution of Marriage on February 9, 2010, but filed her most recent Petition for Dissolution of Marriage on April 26, 2010. Father never filed a responsive pleading.

5. Mother's Social Security Number is XXX-XX-XXXX and Father's Social Security Number is XXX-XX-XXXX.

6. Mother is not now pregnant and neither party is a member of the Armed Forces of the United States or its allies.

7. Mother is currently employed at the State of Missouri and is currently earning the gross sum of \$1832 per month.

8. Father is currently employed at North Star Ice Cream Specialties and is currently earning the gross sum of \$3940 per month.

9. There are two (2) unemancipated children born of the marriage of the parties, namely, A_____ age 17, and A_____, age 12 (“hereinafter referred to as “minor children”).

Child Custody

10. The Court has jurisdiction over the custody arrangements of the minor children born of the marriage pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, MO. REV. STAT. Section 452.700 et seq.

11. The Court has jurisdiction to act herein pursuant to RSMo. Section 452.300 et seq. and RSMo. Section 487.101 et seq.

12. The Court finds that the parties have not participated in any capacity in any other litigation concerning custody of the minor children in this State or any other state.

13. The Court finds that the parties have no knowledge of any person, not a party to this proceeding, who has physical custody of the minor children or any person who claims to have any custody or visitation rights with respect to said minor children.

14. The parties reached a settlement with respect to all issues relating to custody. The parties memorialized their agreement and filed Parenting Plan Part A, which is now marked Court’s Exhibit #1 and provides that, among other things, Mother be awarded sole legal custody of the minor children and sole physical custody of the minor children with visitation to Father.

15. The court approves the provisions of Part A of the Parenting Plan marked Court’s Exhibit #1 pertaining to the custodial arrangements of the minor children and finds that the custodial arrangements contained in said Parenting Plan are in the best interests of the minor children.

16. The court orders the provisions of Part A of the said Parenting Plan pertaining to the custodial arrangements of the minor children and incorporates by reference all of the terms and conditions pertaining to the custodial arrangements of the minor children set forth in Part A of said Parenting Plan as if fully set forth herein.

17. The sheriff or other law enforcement officers shall enforce the rights of any person to custody or visitation pursuant to MO. REV. STAT. Section 452.425.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the custodial and visitation arrangements of the minor children born of the marriage shall be as set forth in the Part A of the Parenting Plan attached hereto as Court's Exhibit #1. The parties are ordered to perform the terms and conditions set forth therein.

Classification and Division of Property and Debt

18. The parties are possessed of certain separate and marital property. There is also debt, which is identified and allocated as set forth below. Said division is fair and equitable and the parties are ordered to perform the terms and conditions set forth therein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the property of the parties be divided as follows:

19. Each party is awarded the personal property they now have in their respective possessions as their sole and separate property except as specifically stated herein.

20. The parties reached a settlement with regard to Father's pension from North Star Ice Cream Specialties. The parties memorialized their agreement by filing Exhibit B, which the Court herein now marks as Court's Exhibit #2 and which provides that Mother be awarded 35% of Father's said pension. The court retains jurisdiction for the purpose of establishing or

maintaining this order as a qualified domestic relations order to revise or conform its terms so as to effectuate the expressed intent of this order.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the debt of the parties be divided as follows:

21. The debts and liabilities owed to the following creditors are to be assumed and paid by Father, and he is to hold Mother harmless and shall indemnify Mother for any payments made by her thereon:

- A. Modern Finance;
- B. Internal Revenue Service;
- C. Christian Hospital Northeast - \$2,247 (68% of balance owed \$3,305).

22. The debts and liabilities owed to the following creditors are to be assumed and paid by Mother, and she is to hold Father harmless and shall indemnify Father for any payments made by him thereon:

- A. Christian Hospital Northeast - \$1,058 (32% of balance owed \$3,305).

Maintenance

23. No maintenance is to be paid to Mother by Father. This order is not subject to modification.

24. No maintenance is to be paid to Father by Mother. This order is not subject to modification.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that neither party is ordered to pay maintenance to the other.

Child Support

25. The amount of child support is governed by MO. REV. STAT. Sections 452.340.1 and 452.340.8 and Missouri Supreme Court Rule 88.01.

26. The Court is required to include a specific written Parenting Plan Part B – Support, pursuant to MO. REV. STAT. Section 452.310.9, which is to include child support and related issues. Missouri Supreme Court Rule 88.01 states that the presumed child support amount is determined through the use of Civil Procedure Form 14.

27. Here, the Court determined the child support amount in accordance with authorized support guidelines. Accordingly, Father is ordered to pay Mother, as and for the support of the two minor children, the total sum of \$714 per month. In the event Mother shall be entitled to support for only one child, the sum shall be \$487. The Court's Parenting Plan Part B – Support and Form 14 are attached hereto as Court's Exhibit #3 and #4, respectively, and are incorporated herein by reference as if fully set forth herein. Said award of child support is due upon entry of this Judgment and is retroactive from July, 2010, when Mother and the minor children moved from Father's residence, to March 3, 2011, which is the date that the parties entered into an agreement, pursuant to an order pendent lite, wherein Father would pay Mother the monthly child support amount of \$467. Accordingly, the sum total of retroactive child support is \$5,712 (8 months, July 2010 to March 3, 2011, at \$714 per month).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that support of the minor child born of the marriage shall be as set forth in the Parenting Plan Part B attached hereto as Court's Exhibit #3. Said award of child support is due upon entry of this Judgment and is retroactive from July, 2010, when Mother and the minor children moved from Father's residence, to March 3, 2011, which is the date that the parties entered into an agreement,

pursuant to an order pendent lite, wherein Father would pay Mother the monthly child support amount of \$467. Accordingly, the sum total of retroactive child support is \$5,712 (8 months, July 2010 to March 3, 2011, at \$714 per month). The parties are ordered to perform the terms and conditions set forth therein.

Attorneys' Fees

28. The Court has authority to order the payment of attorney's fees and costs under MO. REV. STAT. Section 452.355.1(2004), which provides:

Unless otherwise indicated, the court from time to time after considering all relevant factors including the financial resources of both parties, the merits of the case and the actions of the parties during the pendency of the action, may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding pursuant to sections 452.300 to 452.415 and for attorney's fees, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding and after entry of a final judgment. The court may order that the amount be paid directly to the attorney, who may enforce the order in the attorney's name. The Court finds this amount to be reasonable.

29. Upon considering the testimony of the parties, their exhibits and evidence, as well as the factors set forth in Section 452.355.1, the court finds as fair and reasonable that Father pay the sum of \$2,000 as and for Mother's attorney's fees and costs herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Father pay the sum of \$2,000 as and for Mother's attorney's fees and costs.

JUDGMENT/ORDER

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the marriage of Mother and Father is dissolved. It is further ordered, adjudged and decreed as follows:

30. Neither party is awarded maintenance from the other party. This order is not subject to modification.

31. Custody and visitation of the minor children shall be as set forth in the Parenting Plan Part A attached hereto as Court's Exhibit #1 and incorporated herein by reference.

32. Father is ordered to pay Mother as and for the support of the minor children the total sum of \$714 per month for two children. In the event Mother shall be entitled to support for only one child, the sum shall be \$487. Parenting Plan Part B – Support and Form 14 are attached hereto as Court's Exhibits #3 and #4, respectively, and are incorporated herein by reference as if fully set forth herein. Said award of child support is due upon entry of this Judgment and is retroactive from July, 2010, when Mother and the minor children moved from Father's residence, to March 3, 2011, which is the date that the parties entered into an agreement, pursuant to an order pendent lite, wherein Father would pay Mother the monthly child support amount of \$467. Accordingly, the sum total of retroactive child support is \$5,712 (8 months, July 2010 to March 3, 2011, at \$714 per month). Child support amounts were determined in accordance with authorized support guidelines.

33. Unless otherwise stated in the Judgment, the party receiving support shall be entitled to claim the minor children as dependents for income tax purposes.

34. All right, title and interest in the parties' separate and marital property are awarded to the respective parties, free and clear from any claims of the other, as set forth in paragraphs 19 and 20 above.

35. The division of Father's North Star Ice Cream Specialties' pension is intended to be a Qualified Domestic Relations Order (QDRO) pursuant to the U.S. Internal Revenue Code; and, pursuant to MO. REV. STAT. Section 452.330.5, shall be modified only for the purpose of establishing or maintaining the Order as a QDRO or to revise or conform its terms so as to effectuate the express intent of this Order. Each party shall be responsible for the payment of

taxes on their respective portion of the retirement plan distribution. Petitioner's attorney shall draft the QDRO for the Court's signature and subsequent filing with the plan administrator.

36. Except as may be otherwise expressly provided above, all other personal property of the parties shall be the sole and exclusive property of the party presently in the possession, custody or control of the same or in whose name the same may be titled or denominated.

37. Except as may be expressly provided herein to the contrary, each party shall defend, indemnify and hold harmless the other from any and all debts, loans, mortgages, obligations and expenses in any manner arising from, related to or connected with any item of property, real or personal, respectively, received by each under the provisions of this Judgment.

38. The debts of the marriage shall be the responsibility of the respective party as set forth in paragraphs 21 and 22 above.

39. Each party is directed to execute all deeds, titles, documents and other instruments necessary to effectuate fully the provisions and intent of this Judgment.

40. Mother is ordered to pay the debts allocated to her herein and to hold harmless and indemnify Father for any failure to satisfy said debt(s)

41. Father is ordered to pay the debts allocated to him herein and to hold harmless and indemnify Mother for any failure to satisfy said debt(s).

42. Father shall pay the sum of \$2,000 as and for Mother's attorney's fees and costs directly to Charles Kirksey, Attorney at Law, 7382 Pershing – 1 West, St. Louis, MO 63130, within 30 days.

43. Both parties shall notify, in writing, the Circuit Clerk of St. Louis County of any change of mailing address.

44. Wife is restored her maiden/former name of Yolanda Teresa Lambert.

45. The costs of Court shall be paid from the cost deposit previously posted except that the costs of depositions and Trial subpoena shall not be included in costs.

SO ORDERED:

DATED: _____

JOSEPH S. DUEKER
ASSOCIATE CIRCUIT JUDGE
DIVISION 43
ST. LOUIS COUNTY CIRCUIT COURT

CC: Petitioner
Respondent
Attorney of Record