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FAX No.

P. 002

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF BENTON

SEVENTH JUDICIAL DISTRICT

COUNTY OF BENTON,

Plaintiff,

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

v.

JUSTIN GERALD KARL and
ANMARIE ALTOBELLI,
Defendants,

FILED 4.14.08
BENTON COUNTY
DISTRICT COURT
By: Trish
Deputy

Ct. File #05-FA-07-3058

The above-entitled matter came on for default hearing before the Honorable Michael S. Jesse, Judge of District Court, on the 9th day of April, 2008, at the Benton County Courts Facility, Foley, Minnesota.

Plaintiff, County of Benton, was represented by Michelle L. Meyer, Asst. Benton County Attorney. Defendant, Justin Gerald Karl, did not appear. Defendant, Anmarie Altobelli, did not appear.

Based upon the files, records and proceedings herein, and upon the stipulation of the parties adduced at hearing, the court makes the following:

FINDINGS OF FACT

1. That this is an action brought pursuant to Minn. Stat. §256.87 and 257.51, et seq.
2. That defendants were personally served with the summons and complaint in this action on November 10, 2007.
3. That the defendants did not answer the summons and complaint.
4. That the defendants did not appear at the Pre-Trial Hearing.

EXHIBIT
A

CERTIFIED to be a true and correct copy of the original on file and of record in the office of the Benton County Court Administrator
Dated this 14th day of April, 2008
Signed: JUSTICE A. ROBERTS, Court Administrator
By: *[Signature]*

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5. That defendant, Anmarie Altobelli, is the mother of a child, namely, born out-of-wedlock on July 6, 1999, in St. Cloud, Stearns County, Minnesota.
6. That defendant, Anmarie Altobelli, is the mother of a child, namely, born out-of-wedlock on December 22, 2005, in St. Cloud, Stearns County, Minnesota.
7. That plaintiff, County of Benton, is a political subdivision of the State of Minnesota and is the public authority chargeable by law with child support enforcement.
8. That defendant, Justin Gerald Karl, has signed a recognition of parentage that states he is the father of
9. That defendant, Justin Gerald Karl, has signed a recognition of parentage that states he is the father of
10. That the children reside at or are found in Benton County, Minnesota.
11. That the legal presumption is that defendant Altobelli and defendant Karl shall have joint legal custody of the children.
12. That the legal presumption is that defendant Altobelli shall have sole physical custody of the children since the children live with defendant Altobelli.
13. That the legal presumption is that defendant Karl shall have reasonable and liberal visitation as determined by the parties.
14. That plaintiff, County of Benton, expended the sum of \$1,227.89 for the reasonable expenses of the mother's pregnancy and confinement.
15. That the County of Benton, stipulated it would waive reimbursement of the defendant Karl's obligation toward the pregnancy and confinement costs.
16. That the defendant Karl is currently employed by Commercial Drywall Inc. and is also self-employed and has a gross monthly income of \$1,616.00.

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17. That the defendant Altobelli is currently employed by Aria Communications, 717 W. St. Germain, St. Cloud, MN 56301 and has a gross monthly income of \$500.00.

18. That defendant Karl has the ability to pay \$28.00 per child per month to plaintiff towards the medical and dental support. However if medical insurance becomes available and is obtained for the children through defendant Karl's employment, the \$28.00 medical obligation per child shall cease.

19. That for all unreimbursed medical expenses, defendant Karl shall pay 84% of such costs and defendant Altobelli shall pay 16% of such costs.

20. That the children are physically present with Defendant Karl between 10% to 45% each year.

21. That the defendant Karl has the ability to pay the current basic (child) support obligation as calculated by the Minnesota Child Support Guidelines, Minn Stat. §518A.35, in the amount of \$548.00 effective May 1, 2008.

22. That there is a medical/dental support arrearage owed in the amount of \$2,200.00 for the period from December 1, 2005 through April 30, 2008.

23. The defendant has the ability to pay off the medical/dental support arrears at the rate of \$20.00 per month until all arrears and costs are satisfied.

Based upon the foregoing Findings of Fact, the court makes the following:

CONCLUSIONS OF LAW

1. That the court has jurisdiction over the parties and over the subject matter of this action.
2. That defendant, Justin Gerald Karl, is the father of said child, namely, born on July 6, 1999.

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3. That defendant, Justin Gerald Karl, is the father of said child, namely, born on December 22, 2005.
4. That defendant Altobelli and defendant Karl are hereby granted joint legal custody and defendant Altobelli is granted sole physical custody.
5. That defendant Karl is granted reasonable and liberal visitation as determined by defendant Karl and defendant Altobelli.
6. That the issue of the plaintiff's pregnancy and confinement costs is hereby waived.
7. That effective May 1, 2008, the defendant Karl shall pay ongoing child support in the amount of \$548.00 per month to defendant Altobelli.
8. That effective May 1, 2008, the defendant Karl shall pay ~~\$26.00 per child~~ each month towards the medical support. If defendant Karl obtains medical insurance for the children, defendant Karl's \$28.00 per child per month medical/dental obligation shall cease.
9. That defendant Karl owes \$2,200.00 for medical and dental cost arrears for December 1, 2005 through April 30, 2008.
10. Defendant Karl will pay off the medical/dental arrears at the rate of \$20.00 per month until all arrears and costs are satisfied.
11. That the attached Appendix A is hereby made a part of this order.
12. That the parties and child's social security numbers, filed in the court file under Confidential Information Form, are incorporated herein.
13. That the minor child's name as it appears on the birth certificate is [redacted] and the child shall be so named. Further, that the defendant Karl's full name is Justin Gerald Karl; his place of birth is St. Cloud, Minnesota; his date of birth is May 5, 1981; and his race is [redacted]

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Caucasian. That the aforementioned information shall be placed upon the birth certificate of the minor child, namely,

14. That the minor child's name as it appears on the birth certificate is and the child shall be so named. Further, that the defendant Karl's full name is Justin Gerald Karl; his place of birth is St. Cloud, Minnesota; his date of birth is May 5, 1981; and his race is Caucasian. That the aforementioned information shall be placed upon the birth certificate of the minor child, namely

LET JUDGMENT BE ENTERED IMMEDIATELY.

Dated this 14 day of April, 2008.

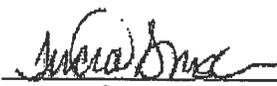
BY THE COURT:


Michael S. Jesse
Judge of District Court

I hereby certify that the preceding Conclusions of Law constitute the judgment of this court.

Dated this 15th day of April, 2008.

TIMOTHY R. ROBERTS
Court Administrator

By: 
Deputy Court Administrator

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APPENDIX A

Rev. 1/17/08

NOTICE IS HEREBY GIVEN TO THE PARTIES:

I. PAYMENTS TO PUBLIC AGENCY. According to Minnesota Statutes §518A.50, payments ordered for maintenance and support must be paid to the Minnesota Child Support Payment Center as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. Parents mail payments to: Minnesota Child Support Payment Center, P.O. Box 64326, St. Paul MN 55164-0326. Employers mail payments to: PO Box 64306, St. Paul MN 55164.

II. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS - A FELONY. A person may be charged with a felony who conceals a minor child, or takes, obtains, retains, or fails to return a minor child from or to the child's parent (or person with custodial or visitation rights), according to Minnesota Statutes §609.26. A copy of that section is available from any court administrator.

III. NON-SUPPORT OF A SPOUSE OR CHILD - CRIMINAL PENALTIES. A person who fails to pay court-ordered child support or maintenance may be charged with a crime, which may include misdemeanor, gross misdemeanor, or felony charges, according to Minn. Stat. §609.375. A copy of that section is available from any court administrator.

IV. RULES OF SUPPORT, MAINTENANCE AND PARENTING TIME.

- A. Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing and the like, will not fulfill the obligation.
- B. Payment of support must be made as it becomes due, and failure to secure or denial of parenting time is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.
- C. Non-payment of support is not grounds to deny parenting time. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minn. Stat. §548.091.
- D. The payment of support or spousal maintenance takes priority over pay of debts and other obligations.
- E. A party who accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.
- F. Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.
- G. A *Parenting Guide to Making Child-Focused Parenting-Time Decisions* is available from any court administrator.
- H. The nonpayment of support may be enforced through the denial of student grants; interception of state and federal tax returns; suspension of driver's, recreational, and occupational licenses; referral to the department of revenue or private collection agencies; seizure of assets, including bank accounts and other assets held by financial institutions; reporting to credit bureaus; interest charging, income withholding, and contempt proceedings; and other enforcement methods allowed by law.
- I. The public authority may suspend or resume collection of the amount allocated for child care expenses if the conditions of Minn. Stat. §518A.40, Subd. 4, are met.
- J. The public authority may remove or resume a medical support offset if the conditions of §518A.41, Subd. 16, are met.
- K. The public authority may suspend or resume interest charging on child support judgments if the conditions of §548.091, Subd. 1a, are met.

V. MODIFYING CHILD SUPPORT. If either the obligor or obligee is laid off from employment or receives a pay reduction, child support may be modified, increased, or decreased. Any modification will only take effect when it is ordered by the court, and will only relate back to the time that a motion is filed. Either the obligor or obligee may file a motion to modify child support, and may request the public agency for help. **UNTIL A MOTION IS FILED, THE CHILD SUPPORT OBLIGATION WILL CONTINUE AT THE CURRENT LEVEL. THE COURT IS NOT PERMITTED TO REDUCE SUPPORT RETROACTIVELY.**

VI. PARENTAL RIGHTS FROM MINNESOTA STATUTES SECTION 518.17, SUBD. 3.
UNLESS OTHERWISE PROVIDED BY THE COURT:

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- A. Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.
- B. Each party shall keep the other informed as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent-teacher conferences. The school is not required to hold a separate conference for each party.
- C. In case of an accident or serious illness of a minor child, each party shall notify the other party of the accident or illness, and the name of the health care provider and the place of treatment.
- D. Each party has the right of reasonable access and telephone contact with the minor children.

VII. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE. Child support and/or child support and/or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes §518A.53, have been met. A copy of those sections are available from any court administrator.

VIII. CHANGE OF ADDRESS OR RESIDENCE. Unless otherwise ordered, each party shall notify the other party, the court and the public authority responsible for collection, if applicable, of the following information within 10 days of any change: the residential and mailing address, telephone number, driver's license number, social security number, and name, address and telephone number of the employer.

IX. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE. Basic support and/or spousal maintenance, may be adjusted every two years based upon a change in the cost of living (using the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, Minneapolis, St. Paul, for all urban consumers (CPI-U), unless otherwise specified in this order) when the conditions of Minnesota Statutes §518A.75 are met. Cost of living increases are compounded. A copy of Minnesota Statutes §518A.75, and forms necessary to request or contest a cost of living increase are available from any court administrator.

X. JUDGMENTS FOR UNPAID SUPPORT; INTEREST.
ACCORDING TO MINNESOTA STATUTES, §548.091:

- A. If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment without notice to the person responsible to make the payment.
- B. Interest begins accruing on a payment or installment of child support whenever the unpaid amount due is greater than the current support due.

XI. JUDGMENTS FOR UNPAID MAINTENANCE. A judgment for unpaid spousal maintenance may be entered and docketed when the conditions of Minnesota Statutes §548.091 are met. A copy of that section is available from any court administrator.

XII. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD SUPPORT. A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of Minnesota Statutes §518A.735, are met. A copy of that section and forms necessary to request or contest these attorney fees and collection costs are available from any court administrator.

XIII. PARENTING TIME EXPEDITOR PROCESS. On request of either party or on its own motion, the court may appoint a parenting time expeditor to resolve parenting time disputes under Minnesota Statutes §518.1751. A copy of that section and a description of the expeditor process is available from any court administrator.

XIV. PARENTING TIME REMEDIES AND PENALTIES. Remedies and penalties for wrongful denial of parenting time are available under Minnesota Statutes §518.175, Subd. 6. These include compensatory parenting time; civil penalties; bond requirements; contempt; and reversal of custody. A copy of that subdivision and forms for requesting relief are available from any court administrator.