

STATE OF NORTH CAROLINA  
In The General Court of Justice

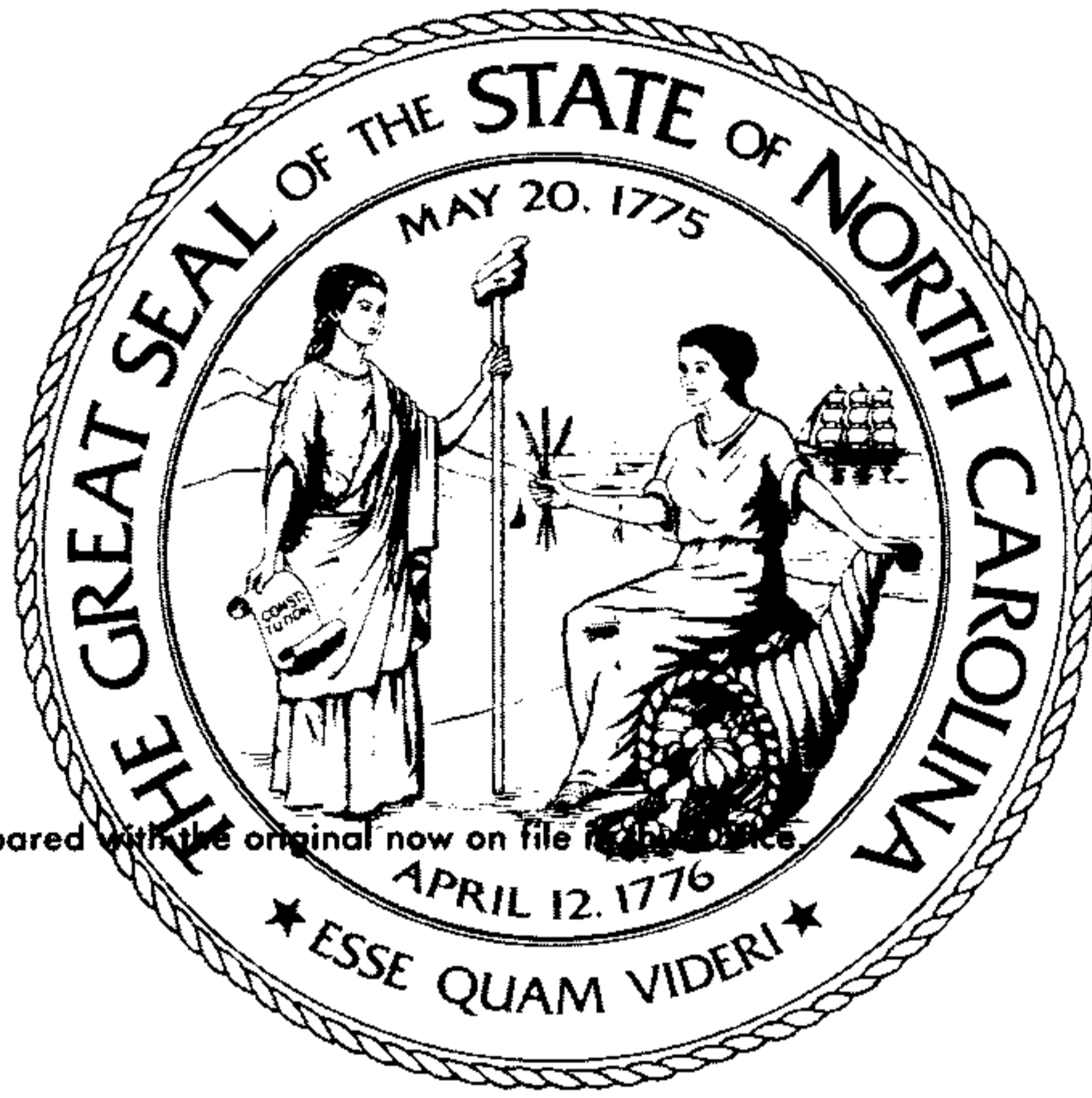
CERTIFICATE OF  
TRUE COPY

Cabarrus County

# Office of the Clerk of the Superior Court

As Clerk of the Superior Court of this County, which is a Court of Record, having an official seal, which is affixed do certify the attached ( 5 sheets) to be a True Copy of Order  
96 CVD 921 - Michelle Zettler Johnson vs Byron Lee Johnson, Jr.

Inst # 1998-04200



as the same is taken from and compared with the original now on file in the office.

SEAL

Witness my hand and the seal of the Superior Court

Date	February 2, 1998
Clerk of Superior Court	M.G. Morris
Signature	<i>Joni Clin</i>
<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk of Superior Court	

02/06/1998-04200  
04:18 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
006 NCD

Inst # 1998-04200

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

NORTH CAROLINA  
CABARRUS COUNTY

QV

FILE NO.

.....  
Michelle Zettler Johnson,  
Plaintiff,  
-vs-  
Byron Lee Johnson, Jr.,  
Defendant.  
.....

ORDER

**THIS CAUSE**, coming on to be heard and being heard before the undersigned Judge of the District Court for Cabarrus County, North Carolina, upon the verified Complaint of the plaintiff, **Michelle Zettler Johnson**, for an award of child custody and support and payment of medical and dental expenses of the minor children of the parties; and it appearing to the Court that the parties hereto have settled all matters and things in controversy, subject to the approval of the Court; and the Court makes the following finding of facts:

1. That the parties are properly before the Court and the Court has jurisdiction of the subject matter of this cause.
2. That the plaintiff is now a resident of the State of Alabama; that the defendant is a resident of Cabarrus County, North Carolina, and has been a resident of the State of North Carolina for more than six months next preceding the commencement of this action.
3. That the plaintiff and the defendant were lawfully married to each other on March 19, 1988, in Birmingham, Alabama.
4. That there were two children born of the marriage of the parties, namely, Nicholas Byron Johnson, born June 11, 1990, and Jessica Taylor Johnson, born June 22, 1994.
5. That the plaintiff and the defendant separated from each other on or about the 22nd day of May, 1995, and have lived continuously separate

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and apart since said date; that the plaintiff has had the exclusive custody of the minor children of the parties since the date of the separation of the parties hereto.

6. That the plaintiff is a fit and proper person to have the primary care, custody and control of the minor children of the parties and that it would be in the best interest of said minor children to be and remain in the primary care and custody of the plaintiff herein; that the plaintiff and the minor children are no longer residents of the State of North Carolina, and are now living in the State of Alabama; that Alabama is the home state of the aforesaid minor children as defined under the Parental Kidnapping Prevention Act of 1980, 28 U.S.C. Section 1728A.

7. That the defendant is a fit and proper person to have reasonable visitation privileges with the minor children of the parties.

8. That the defendant is a healthy, able-bodied man, gainfully employed with the present means and ability to pay a reasonable and substantial sum each month into the Office of the Clerk of Superior Court for Cabarrus County, North Carolina, for the use, benefit and support of the minor children of the parties; that the defendant presently maintains dental and major medical and hospitalization insurance coverage on the plaintiff and his minor children through his place of employment; that the defendant has the present means and ability to continue to maintain in full force and effect the aforesaid insurance coverage on said minor children, as well as pay 67 percent of any and all such expenses, including doctor, hospital, dental and prescription drug bills, incurred on behalf of the minor children which are not covered by the aforesaid insurance; that the defendant has the present means and ability to continue to maintain in full force and effect the aforesaid insurance coverage on the plaintiff until February, 1997.

**NOW, WHEREFORE, based on the foregoing findings of fact, IT IS CONCLUDED AS A MATTER OF LAW:**

1. That the parties are properly before the Court and the Court has jurisdiction over the subject matter of this cause.

2. That the Court has the right, under the provisions of G. S. 50 A and G. S. 50-13.5(c)(1) and (2), to exercise jurisdiction in the determination of custody and support of the minor children of the parties and that this Court should assume jurisdiction to make a determination.



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3. That the award of the primary custody of the minor children of the parties to the plaintiff will best promote the welfare of said minor children.

4. That the defendant is a fit and proper person to have reasonable visitation privileges with the minor children of the parties and that such visitation rights are in the best interest of said minor children.

5. That the defendant is liable for the support of the minor child of the parties and has the ability to provide the sum of \$700.00 each month for the support of said minor children, as well as maintain in full force and effect health care insurance coverage on the minor children, and pay 67 percent of any and all health care expenses incurred on behalf of said minor children which are not covered by the aforesaid insurance, having due regard to the relative ability of the parties to provide support and to the circumstances of the parties and the children as required by G. S. 50-13.4 (b) and (c).

6. That the defendant ought to continue to maintain in full force and effect the presently existing health care insurance coverage on the plaintiff as provided through his employer until February, 1997.

**NOW, THEREFORE, based upon the foregoing findings of fact and conclusions of law, IT IS HEREBY ADJUDGED, ORDERED and DECREED:**

1. That the plaintiff, **Michelle Zettler Johnson**, as a fit and proper person, shall have the primary care, custody and control of the minor children of the parties, namely, **Nicholas Byron Johnson** and **Jessica Taylor Johnson**; and that custody of said minor children is hereby awarded to the plaintiff.

2. That the defendant, **Byron Lee Johnson, Jr.**, shall have visitation privileges with the minor children of the parties according to the following schedule:

- a. One weekend a month, as agreed upon by the parties;
- b. One-half of holidays;
- c. Two two-week periods during the summer months, with specific dates to be agreed upon by the parties;

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d. At any other times mutually agreeable to the parties.

3. That the defendant, **Byron Lee Johnson, Jr.**, shall pay the sum of \$700.00 each month into the Office of the Clerk of Superior Court for Cabarrus County, North Carolina, to be disbursed to the plaintiff for the use, benefit and support of the minor children of the parties, beginning Thursday, June 20, 1996, and a like sum each and every month thereafter until the youngest minor child attains the age of 18 years or is graduated from high school, whichever shall occur last; that in no event, however, shall the aforesaid support obligation of the defendant continue after the youngest minor child attains the age of 20.

4. That the aforesaid support obligation of the defendant, **Byron Lee Johnson, Jr.**, is based upon the consent and agreement of the parties hereto.

5. That the defendant, **Byron Lee Johnson, Jr.**, shall maintain in full force and effect his presently existing health care insurance coverage on the minor children of the parties as provided through his employer; that the defendant shall be responsible for payment of 67 percent of any and all health care expenses, including hospital, doctor, dental and prescription drug bills, incurred on behalf of the minor children which are not covered by the aforesaid insurance.

6. That based upon the consent and agreement of the parties, the State of Alabama is the home state of the minor children of the parties, as defined under the Parental Kidnapping Prevention Act of 1980, 28 U.S.C. Section 1738A; that any future hearing involving the issues of child custody and visitation shall be conducted in the State of Alabama.

7. That based upon the consent and agreement of the parties, the defendant, **Byron Lee Johnson, Jr.**, shall continue to maintain in full force and effect his presently existing health care insurance coverage on the plaintiff until February, 1997.

8. That if the defendant, **Byron Lee Johnson, Jr.**, becomes delinquent in his child support obligation in an amount equal to that due for one month, sums shall be withheld from his wages or other income to pay current support and arrearages, after following the procedures specified in G. S. 50-13.9(d), G. S. 110-136.5, and related statutes.

9. That the defendant, **Byron Lee Johnson, Jr.**, shall keep the Clerk of Superior Court for Cabarrus County, North Carolina, informed of his current residence and mailing address; that the defendant shall keep the Clerk of Superior Court informed of the name and address of any payor of

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his disposable income (his employer); that the defendant shall keep the Clerk of Superior Court informed of the amount and effective date of any substantial change in his disposable income.

10. That a violation of this Order shall subject the party in violation thereof to the contempt powers of this Court.

11. That this matter is retained from session to session for such other and further Orders as the Court may deem just and proper.

This 3rd day of ~~June~~ <sup>July</sup> 1996.

Adam C. Mantel  
Judge of the District Court

WE CONSENT:

Michelle Zettler Johnson  
Michelle Zettler Johnson, Plaintiff

M. Wayne Nixon, Jr.  
M. Wayne Nixon, Jr.  
Attorney for the Plaintiff

Byron Lee Johnson, Jr.  
Byron Lee Johnson, Jr., Defendant

Richard M. Koch  
Richard M. Koch  
Attorney for the Defendant

State of GA  
County of DeKalb  
Jeanette W. Ewing  
Notary Public

Notary Public, DeKalb County, Georgia  
My Commission Expires January 5, 1998

6/14/96

Inst # 1998-04200  
02/06/1998-04200  
04:18 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
006 MCD

A TRUE COPY  
CLERK OF SUPERIOR COURT  
CADWELL COUNTY  
BY Joni Clin  
Assistant, Deputy, Clerk Superior Court