

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

TERESA H. LIEN,

Plaintiff

v.

KRIST LAMAR LIEN,

Defendant

Case No.: DR 94-339-01

Inst # 1997-15301

05/16/1997-15301
09:53 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 HCD 16.00

ORDER

THIS CAUSE, coming before the Court on Defendant's Motion to Alter, Amend or Vacate the Judgment rendered January 15, 1997, the Court hereby Orders that Paragraphs 1.(a. through f.), 2., 3., and 4., of the Final Judgment of Divorce in this cause, rendered on June 22, 1994, are hereby deleted; and Paragraph A., (1) through (5) of the Modification Order rendered on January 15, 1997, is hereby deleted; and inserted in their stead is the following:

1. Custody

It is hereby agreed between the parties that it is in the best interest of the children, Carrie Chism Lien and Sarah Larsen Lien, for their care, custody and control to continue to be shared by both parties. Husband and Wife understand that shared custody means both parties shall retain full parental rights and responsibilities with respect to their children, regardless of which party has physical custody at any particular time. Husband and Wife agree that shared custody means shared parental responsibility and requires both parents to confer so that major decisions affecting the health and welfare of the children will be jointly determined.

2. Visitation

The Plaintiff shall have primary physical custody of said minor children and shall have said children in her custody at all times except for the following times in which the Defendant shall have physical custody of said children.

- a. Weekend Visitation Defendant shall have physical custody on the first and third weekends of each month from 6 p.m. on Friday until 6 p.m. the following Sunday. (The first weekend of each month begins on the first Friday of the month)
- b. Christmas Defendant shall have physical custody of the children from 3 p.m. each Christmas Day until 3 p.m. the following New Year's Day.
- c. Thanksgiving Defendant shall have physical custody of the children every other Thanksgiving holiday from Wednesday at 6 p.m., until Friday at 6 p.m., beginning in 1998.
- d. Children's Birthdays Defendant shall have physical custody of the children on every other birthday from 6 p.m. on the birthday, until 8 a.m. the following morning, beginning in 1997, and in all odd numbered years thereafter.
- e. Summer Defendant shall have physical custody of the children beginning at 6 p.m. on June 15, through 6:00 p.m. August 15, each year, except for the first and third weekends of July from 6 p.m. Friday until 6 p.m. the following Sunday, and except for ten consecutive days, which consecutive days shall be selected by the Plaintiff but upon written notice to the Defendant by or before the first day of May of each year.
- f. Easter Defendant shall have physical custody of the children every other Easter weekend, from 6 p.m. on the day school is dismissed, until 6 p.m. on Easter Sunday, beginning in 1999, and all odd numbered years thereafter.
- g. Father's Day and Mother's Day Defendant shall have physical custody of the children every Father's Day weekend from 6 p.m. on Saturday until 6 p.m. on Sunday, and Plaintiff shall have physical

custody of the children every Mother's Day weekend from 6 p.m. on Saturday until 6 p.m. on Sunday.

h. Parents' Birthdays Each parent shall have physical custody of the children from 6 p.m. until 8 p.m. on their respective birthdays. The parent exercising this right must pick up the child if she is not in their physical custody at the time.

i. A.E.A. Defendant shall have physical custody of the children during A.E.A./spring break from Sunday at 6 p.m. until Friday at 6 p.m., beginning in 1998 and in all even numbered years thereafter.

3. Child Support

Paragraph B., of the Modification Order is restated and remains in effect:

That the aforesaid Final Judgment of Divorce is further modified by providing that the Defendant shall pay to Plaintiff the sum of Three Hundred Ninety-one Dollars (\$391) per month for the support and maintenance of the said minor children of the parties, with the first of said monthly payments being due February 1, 1997, and subsequent monthly payments being due on or before the first day of each month thereafter until such time as the said children reach the age of nineteen (19) years, marry or become self sustaining. The award of the child support made herein was determined by application of the Child Support Guidelines established by Rule 32, A.R.J.A.

The Income Withholding Order for child support, which order is contained on separate paper, shall be SERVED on Defendant's employer and shall become effective within fourteen (14) days of service of same.

4. Paragraph 2., of the Final Judgment of Divorce is deleted in its entirety, and Paragraph 3., of the Final Judgment of Divorce is deleted and inserted in its stead is the following:

a. Medical Expenses Defendant shall pay medical insurance for the minor children until they reach the age of nineteen (19) years, marry, or become self-sustaining. All out of pocket medical expenses will be paid equally, fifty percent (50%) by Plaintiff and fifty percent (50%) by Defendant. Each party will provide the other with proof of payment, to be reimbursed within thirty (30) days of submission.

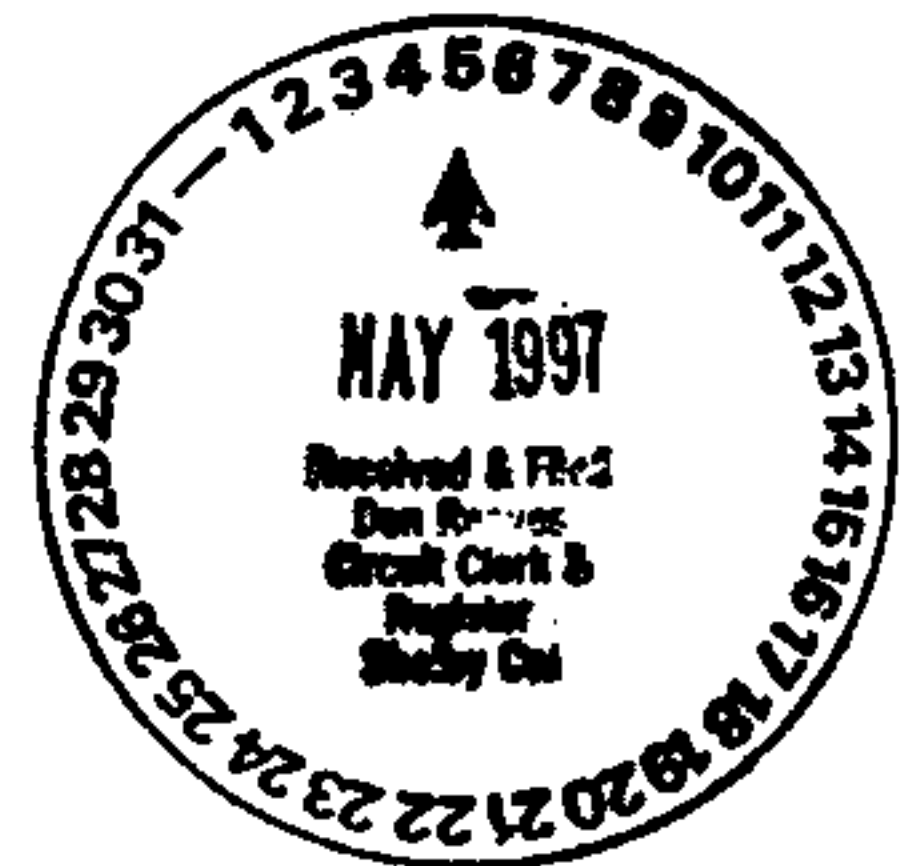
5. Paragraph 4., of the Final Judgment of Divorce is deleted and inserted in its stead is the following:

- a. Wife may claim both children as dependents for Federal and State Income Tax purposes.

6. All other provisions of the Final Judgment of Divorce rendered June 22, 1994, and the Modification Order rendered January 15, 1997, not specifically in conflict herewith, including in particular Paragraph D., in which the Defendant is awarded a judgment to recover from the Plaintiff the sum of Twenty-three Hundred Dollars (\$2300), and Paragraph E., in which the Defendant is ordered to pay to Plaintiff's attorney, Hewitt L. Conwill, the sum of Eight Thousand Six Hundred Fifty Dollars (\$8650) for services rendered on behalf of the plaintiff, remain in full force and effect.

DONE and ORDERED this 5th day of May, 1997.


D. Al Crowson, Circuit Judge



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