

IN THE CIRCUIT COURT FOR SHELBY COUNTY, ALABAMA

PATTI MASTIN (JORDAN),
Plaintiff,

vs.

DAVID R. MASTIN,
Defendant.

Case Number: DR-96-136.01

ORDER

THIS CAUSE came on before the Court on June 4, 1996 for Default Testimony upon the Plaintiff's Petition to Modify and Application to Register for Entry of Default. Appearing on said date were the Plaintiff, PATTI MASTIN JORDAN, and her attorney, the Honorable Bruce M. Green. The Defendant, DAVID R. MASTIN, appeared not. The Defendant, DAVID R. MASTIN, having failed to answer or otherwise defend against the Plaintiff's Petition to Modify, the Defendant not being an infant or unrepresented incompetent person, and the Court having considered the pleadings on record, together with ore tenus testimony, is of the opinion that the following partial findings of fact and order should be entered. Accordingly, this Court finds, inter alia:

1. That the Plaintiff, PATTI MASTIN JORDAN, is seeking custody of the minor child of the parties, as well as child support to be paid by the Defendant, DAVID R. MASTIN, on behalf of the said minor child.
2. That it is in the best interest of the minor child of the parties, namely, Jamie Mastin, that custody be transferred from the Defendant, DAVID R. MASTIN, to the Plaintiff, PATTI MASTIN JORDAN, and that said change in custody materially promotes the welfare of the said minor child of the parties.
3. That the Plaintiff, PATTI MASTIN JORDAN, is the owner of a restaurant, and anticipates an income of \$ 25,000.00 (Twenty-five Thousand Dollars and No/100) for this year.
4. That the Defendant, DAVID R. MASTIN, is a sole proprietor and the Plaintiff, PATTI MASTIN JORDAN, has no knowledge of the Defendant's income. Therefore, the Court is of the opinion that the Defendant's income shall be imputed at minimum wage, but that the determination of his actual income and child support should be reserved with no proof of a change in circumstances once a petition is filed to request a modification of child support.
5. That as the Defendant, DAVID R. MASTIN, is self-employed, no Income Withholding Order shall be issued at this time.

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SHELBY COUNTY JUDGE OF PROBATE
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Accordingly, it is **ORDERED, ADJUDGED** and **DECREED** as follows:

a. That the Plaintiff, PATTI MASTIN JORDAN, is hereby awarded the complete care, custody and control of the minor child of the parties, namely, Jamie Mastin, subject to reasonable visitation of the Defendant, DAVID R. MASTIN.

b. That the Defendant, DAVID R. MASTIN, shall be awarded visitation with the minor child of the parties at said minor child's discretion.

c. That the Defendant, DAVID R. MASTIN, shall pay to the Plaintiff, PATTI MASTIN JORDAN, the sum of \$ 108.00 (One Hundred Eight Dollars and No/100) per month as child support for the support and maintenance of the minor child of the parties. The first of such payments shall be due and payable on the 15th day of June, 1996, with all subsequent payments being due and payable on the 15th day of each month thereafter until such time as the minor child attains the age of majority, marries or otherwise becomes self-supportive. That the award of child support made herein is in compliance with the guidelines as established by Rule 32, A.R.J.A. However, the Court **RESERVES** the right to later modify the award of child support, upon petition of the Plaintiff, PATTI MASTIN JORDAN, without said Plaintiff having to show a material change of circumstance.

d. That the Defendant, DAVID R. MASTIN, shall maintain or procure health insurance on behalf of the minor child of the parties until such time as the said minor child attains the age of majority, marries or otherwise becomes self-supportive. Any medical and dental costs not covered by said insurance on the said minor child shall be paid by the Defendant.

e. That the Defendant, DAVID R. MASTIN, shall pay to the Honorable Bruce M. Green, the sum of \$ 750.00 (Seven Hundred Fifty Dollars and No/100) as attorney's fees for his professional services rendered on behalf of the Plaintiff, PATTI MASTIN JORDAN, in this cause.

DONE and ORDERED on this the 14th day of June, 1996.

D. Al Crowson

D. Al Crowson
Circuit Court Judge

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10:00 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
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Certified a true and correct copy

Date: 1-30-97

Dan Reeves
Dan Reeves, Circuit Clerk
Shelby County, Alabama

