

2005

Latu v. Latu : Brief of Appellee

Utah Court of Appeals

Follow this and additional works at: https://digitalcommons.law.byu.edu/byu_ca2



Part of the [Law Commons](#)

Original Brief Submitted to the Utah Court of Appeals; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

Lorie D. Fowlke; Paul Waldron; Scribner & McCandless PC; Attorneys for Appellee.

Sione Limihai Latu; Pro Se.

Recommended Citation

Brief of Appellee, *Latu v. Latu*, No. 20050866 (Utah Court of Appeals, 2005).

https://digitalcommons.law.byu.edu/byu_ca2/6040

This Brief of Appellee is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Court of Appeals Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at

http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html. Please contact the Repository Manager at hunterlawlibrary@byu.edu with questions or feedback.

IN THE UTAH COURT OF APPEALS

SIONE LIMIHAI LATU,

Petitioner/Appellant,

vs.

Case Number: 20050866-CA

VAI I. LATU,

Respondent/Appellee .

BRIEF OF THE APPELLEE

**AN APPEAL FROM THE ORDER ON ORDER TO SHOW CAUSE OF JULY 1,
2005, IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY,
JUDGE ANTHONY SCHOFIELD PRESIDING**

LORIE D. FOWLKE
PAUL WALDRON
Scribner & McCandless, P.C.
2696 North University Avenue, Suite
220
Provo, Utah 84604
Attorneys for Appellee

SIONE LIMIHAI LATU
347 East 2200 North
Provo, Utah 84604
(801) 373-5442

Appellant/Attorney Pro Se



**FILED
UTAH APPELLATE COURTS
MAY 19 2006**

IN THE UTAH COURT OF APPEALS

SIONE LIMIHAI LATU,

Petitioner/Appellant,

vs.

VAI I. LATU,

Respondent/Appellee .

Case Number: 20050866-CA

BRIEF OF THE APPELLEE

**AN APPEAL FROM THE ORDER ON ORDER TO SHOW CAUSE OF JULY 1,
2005, IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY,
JUDGE ANTHONY SCHOFIELD PRESIDING**

LORIE D. FOWLKE
PAUL WALDRON
Scribner & McCandless, P.C.
2696 North University Avenue, Suite
220
Provo, Utah 84604
Attorneys for Appellee

SIONE LIMIHAI LATU
347 East 2200 North
Provo, Utah 84604
(801) 373-5442

Appellant/Attorney Pro Se

TABLE OF CONTENTS

<i>TABLE OF AUTHORITIES</i>	<i>iv</i>
JURISDICTION	1
ISSUES PRESENTED FOR REVIEW, PRESERVATION OF ISSUES AND STANDARD OF REVIEW	1
DETERMINATIVE CONSTITUTIONAL PROVISIONS, STATUTES, ORDINANCES AND RULES	3
STATEMENT OF THE CASE	3
SUMMARY OF ARGUMENT	4
ARGUMENT	5
CONCLUSION	14
ADDENDA	16

TABLE OF AUTHORITIES

Cases

Allen v. Hall, 107 P.3d 85, 87 (Utah App. 2005).....	6, 7
Bd. of Trs. v. Keystone Conversions, 103 P.2d 686, 695 (Utah 2004).....	12
Beckmann v. Beckmann, 685 P.2d 1045, 1050 (Utah 1984)	5
Bell v. Bell, 810 P.2d 489, 493-94 (Utah App. 1991).....	14
Clark v. Clark, 2001 UT 44, P14, 27 P.3d 538	5
D.A. v. State (In the Interest of W.A.), 63 P.3d 607, 611 (Utah 2002).....	6
Dixie State Bank v. Bracken, 764 P. 2d 985, 991 (Utah 1988).....	6
Dowling v. Bullen, 94 P.3d 915, 917 (Utah 2004).....	6
Finlayson v. Finlayson, 874 P.2d 843 (Utah App. 1994).....	14
Hentsch Henchoz & Cie v. Gubbay, 97 P.3d 1283, 1286 (Utah 2004).....	16
Jensen v. Sawyers, 130 P 3d. 325, 348 (Utah 2005).....	7
Kelley v. Kelley, 79 P.3d 428, 429 (Utah 2003)	6
Lyngle v. Lyngle, 831 P.2d 10027. 1031 (Utah App. 1992).....	14
Osguthorpe v. Osguthorpe, 872 P.2d 1057, 1059 (Utah App. 1994).....	14
Paul DeGroot Bldg. Servs., L.L.C. v. Gallacher, 2005 UT 20. P18 112 P.3d 490.....	6
Salmon v. Davis County, 916 P 2d 890, 892, 898 (Utah 1996).....	7
State v. Harmon, 910 P.2d 1196, 1199 (Utah 1995)	6
State v. Lopez, 886 P.2d 1105, 1113 (Utah 1994).....	12
Valcarce v. Fitzgerald, 961 P. 2d 305, 316 (Utah 1998).....	7
Willey v. Willey, 951 P.2d 226, 230 (Utah 1997).....	5, 7
Young v. Salt Lake City Sch. Dist., 2002 UT 64, P10, 52 P.3d 1230.....	6

Statutes

§30-3-3(Supp. 1993).....	14
§30-3-7.15 Utah Code (2205).....	3
§78-2a-3(2)(h) Utah Code (2003)	5
§78-45-7.15(8) and (9) Utah Code (2004)	8
§78-45-7.15(9).....	9
§78-45-7.15, Utah Code Annotated	10
§78-45-7.15. UTAH CODE (2000)	7

Rules

Rule 4-911 Rules of Judicial Administration (2002) (repealed Nov. 1, 2003).....	15
Rule 102 Utah Rules of Civil Procedure (2005).....	15

Jurisdiction

Jurisdiction is conferred on The Utah Court Of Appeals by §78-2a-3(2)(h) UTAH CODE (2005).

Issues Presented For Review, Preservation Of Issues And Standard Of Review

Issue. The trial court's Order on Order to Show Cause of July 1, 2005 should be affirmed when it awarded judgment to Respondent/Appellee for Petitioner's unpaid share of the children's medical/dental expenses and for IRS liens which the Petitioner was ordered to pay in the divorce decree, but which had been garnished from Respondent.

Standard of Review.

Medical Expenses - When a party "argues that there is no evidence to support the trial court's ruling to the contrary. . . .[u]nder applicable standards of review, we affirm if the judgment is supported by competent evidence." *Beckmann v. Beckmann*, 685 P.2d 1045, 1050 (Utah 1984). "We review this application of findings to statutory law for an abuse of discretion. See Clark v. Clark, 2001 UT 44, P14, 27 P.3d 538; Willey v. Willey, 951 P.2d 226, 230 (Utah 1997)." *Kelley v. Kelley*, 79 P.3d 428, 429 (Utah 2003). "'Where our review requires us to examine statutory language, we look first to the plain meaning of the statute.' Young v. Salt Lake City Sch. Dist., 2002 UT 64, P10, 52 P.3d 1230.

Moreover, we 'may affirm a judgment, order, or decree appealed from if it is sustainable

on any legal ground or theory apparent on the record, even though that ground or theory was not identified by the lower court as the basis of its ruling.’ Boud v. SDNCO, Inc., 2002 UT 83, P10, 54 P.3d 1131 (internal quotations and citation omitted).” *D.A. v. State (In the Interest of W.A.)*, 63 P.3d 607, 611 (Utah 2002).

IRS Lien Issue – “Questions of law are reviewed for correctness, and the trial court’s factual findings are reversed only if clearly erroneous.” State v. Harmon, 910 P.2d 1196, 1199 (Utah 1995).” *Dowling v. Bullen*, 94 P.3d 915, 917 (Utah 2004). Arguments that present questions of law we review for correctness. *Allen v. Hall*, 107 P.3d 85, 87 (Utah App. 2005)

Attorneys fees – “When reviewing a trial court’s determination of . . . attorney fees, an appellate court reviews them for abuse of discretion. Salmon v. Davis County, 916 P.2d 890, 892, 898 (Utah 1996)(stating that determination of reasonable attorney fees is in sound discretion of the trial court because of its familiarity with litigation, attorneys, and attorney fees in general).” *Willey v. Willey*, 951 P.2d 226, 277 (Utah 1997). “Attorney fees are awarded only when authorized by statute or by contract. “The award of attorney fees is a matter of law, which we review for correctness. Paul DeGroot Bldg. Servs., L.L.C. v. Gallacher, 2005 UT 20, P18, 112 P.3d 490. However, a trial court has “broad discretion in determining what constitutes a reasonable fee, and we will consider that determination against an abuse-of-discretion standard.” Dixie State Bank v. Bracken, 764

P.2d 985, 991 (Utah 1988) (internal quotation marks and citations omitted). "The standard of review on appeal of [the amount of] a trial court's award of attorney fees is patent error or clear abuse of discretion." Valcarce v. Fitzgerald, 961 P.2d 305, 316 (Utah 1998) (internal quotation marks and citations omitted)." *Jensen v. Sawyers*, 130 P.3d 325, 348 (Utah 2005).

Preservation. Petitioner made no record of preserving the issue for appeal or his grounds for seeking review on any issue.

Determinative Constitutional Provisions, Statutes Ordinances And Rules

Section 30-3-7.15 Utah Code (2005)

Rule 4-911 Rules of Judicial Administration (Utah 2002)(repealed Nov. 1, 2003)

Rule 102 Utah Rules of Civil Procedure

Statement Of The Case

The parties to this dispute were divorced October 19, 2000 after lengthy and contested litigation. The minor children of the parties were awarded to their mother's custody subject to father's parent time. Mother was awarded child support and the statutory provisions regarding day care and medical expenses, pursuant to §78-45-7.15. UTAH CODE (2000). R. 345-346. The decree also provided that Father was to pay most of the debts of the marriage, including the IRS liens on the home. R. 342. Many post-divorce

motions and hearings were held to enforce the Orders set forth in the divorce decree. The most recent motion for order to show cause, filed by the mother, Respondent/Appellee [hereinafter “Respondent”], was for judgment against Petitioner/Appellant, who is the father, [hereinafter “Petitioner”] for his unpaid share of children’s medical expenses and for his failure to pay the liens on the marital home, as ordered, together with an award for attorneys’ fees. R. 1031. The court ruled in favor of the Respondent, which Order Petitioner now appeals.

Summary of Arguments

While three different attorneys have represented Petitioner on various occasions since 1999 when this case commenced, Petitioner has refused to accept the reality of the court’s orders. Petitioner has consistently been held in contempt for violating the court orders on numerous occasions. *See*, Orders in Addenda of May 31, 2000, July 27, 2000, April 27, 2001, January 15, 2002, March 14, 2002, February 10, 2003, October 23, 2003, and March 3, 2004; R.139, 235, 463, 698, 727, 774, 825, and 915.

The statute regarding medical expenses provides that the court “may” deny the “parent incurring medical expenses . . . the right to receive credit for the expenses or to recover the other parent’s share of the expenses” if the parent fails to “provide written verification of the cost and payment of medical expenses to the other parent with 30 days

of payment.” §78-45-7.15(8) and (9) Utah Code (2004). While the Respondent’s proffered testimony was that she did provide copies of the expenses to Petitioner, whether or not that is accurate, the court still has discretion to allow her to receive the credit for those expenses. R.1048:4:3. Given the history of Petitioner’s non-compliance with the court’s orders, the trial court did not abuse its discretion in awarding Respondent judgment against Petitioner for the unpaid medical expenses for the children.

The divorce decree clearly provides that Petitioner was to pay the liens on the party’s home. R.0342. Respondent presented evidence that the IRS garnished her tax refund to pay some of these liens, which evidence was not disputed by Petitioner. R. 1006-1023. Therefore, the court correctly awarded judgment against Petitioner for these amounts. Given that the Respondent prevailed on her claims from her motion, the trial court appropriately awarded her judgment for her attorneys’ fees and costs. See, Affidavit of Attorney fees R. 1005.

The Petitioner should be barred from seeking the relief of the appellate court as Petitioner has consistently been in contempt of the trial court’s orders. R.139, 235, 463, 698, 727, 774, 825, and 915.

Argument

Petitioner seeks to have this court overturn the trial court’s Order on Order to Show Cause in which the court awarded judgment against Petitioner for \$11,669.33,

consisting of \$2,448.39 in his share of unpaid medical expenses for the minor children; \$8,383.50 for IRS liens the court had previously ordered Petitioner to pay in the divorce decree, and \$837.44 in attorneys' fees.

Petitioner's argument regarding the medical expenses is that the court refused to abide by §78-45-7.15(9) in awarding judgment against him because the "record of the trial contains no record of Respondent providing proof that she has met this requirement." Appellant's brief p.11. Regarding the IRS liens, Petitioner relies on the IRS 2004 1040 Instructions booklet, which provides that generally both spouses are responsible for taxes due when a return is filed jointly. Appellant's brief p.14.

I. THE STATUTE GIVES THE COURT DISCRETION TO AWARD THE CREDIT FOR MEDICAL EXPENSES TO THE PARENT INCURRING THOSE EXPENSES

The divorce decree provides, in relevant part the following provision regarding medical and dental expenses for the children:

7. MEDICAL AND DENTAL EXPENSES OF CHILDREN. Both parents shall share equally in all uninsured routine medical and dental expenses, [including but not limited to one-half of expenses for surgery, orthodontic care, psychological or psychiatric care, hospitalization, physical therapy, ophthalmology and optometry, broken limbs, and continuing illnesses or allergies such as diabetes or asthma] as well as all other reasonable and necessary uninsured medical and dental expenses, in accordance with §78-45-7.15, Utah Code Annotated (as amended).
 - a. Either parent who incurs medical expenses for parties' minor children shall provide written verification of the cost and

payment of such medical expenses to the other parent within 30 days of payment.

- b. In addition to any other sanctions provided by the Court, either parent incurring medical expenses *may* be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent knowingly and willingly fails to comply with subparagraph a, as applicable. (emphasis added). R.345-346.

Respondent has obtained judgments against the Petitioner on numerous other occasions for Petitioner's failure to pay his obligations regarding the children. *See*, Orders of 7-27-00, 5-31-00, 1-15-02, and 2-10-03 R. 235, 139, 698, and 774. Respondent testified, by proffer, that she had incurred the expenses for the children and had provided receipts to Petitioner on this particular occasion. R. 1048:4:3. Petitioner did not deny, at the hearing, that the expenses for the children had been incurred. He did not deny, at the hearing, that he had not received notice of such expenses. He did not deny, at the hearing, that he knew the provisions of the divorce decree. He did not deny, at the hearing, that he had not paid his share of these medical/dental expenses for the children.

Instead, the record shows that Petitioner's argument, at the hearing, was that he had paid thousands of dollars in child support, and thus should not now be required to pay additional expenses in behalf of the children. R. 1048:4:21 to 6:16. Petitioner cannot now claim for the first time, on appeal, that Respondent should not be credited because "the trial contains no record of Respondent providing proof". Appellant's brief p.11. When a party

raises an “argument for the first time on appeal. Absent plain error or extraordinary circumstances, we do not address issues raised for the first time on appeal. State v. Lopez, 886 P.2d 1105, 1113 (Utah 1994) (“The general rule is that issues not raised at trial cannot be argued for the first time on appeal . . .”).” *Bd. of Trs. v. Keystone Conversions*, 103 P.2d 686, 695 (Utah 2004). Moreover, Petitioner has provided no evidence, and there is no support in the record, for his claim that he did not receive copies of the medical bills for the children.

Even if the court allows Petitioner to make such an argument, the trial court still has discretion to provide Respondent with the credit or not, if it believes that Respondent did not previously provide evidence of the medical expenses to Petitioner. In this case, the court was well aware of the Petitioner’s litigation history and his past non-compliance with the court orders. It did not hesitate to find that the expenses were incurred for the children and that Petitioner owed his one-half of such expenses to Respondent. There is no evidence the court abused its discretion in doing so, and the ruling should be affirmed.

II. THE DIVORCE DECREE SUPERCEDES GENERAL INSTRUCTIONS IN THE IRS TAX RETURN INSTRUCTIONS BOOKLET

The Petitioner objects to the trial court’s award of judgment against him to offset funds garnished from the Respondent for the IRS tax liens placed on the marital home during the marriage. Petitioner’s argument is that the taxes were incurred jointly during

time periods when the parties filed jointly, and therefore, based upon the IRS 1040 Instruction Booklet, both he and Respondent should be “generally responsible for the tax.” Appellant’s brief p.12.

Setting aside the relevance of the IRS Instruction booklet as a legal authority, Petitioner’s assessment that the parties would be “generally responsible” for the taxes incurred jointly during the marriage is likely correct. However, clearly the reason the instruction states that the parties would “generally” be jointly responsible, is because specific situations often arise that change those responsibilities. One of those distinguishing characteristics would be a court order, as exists in this case, a fact which the Petitioner has evidently either selectively forgotten or elected to ignore.

The divorce decree in this case states clearly that the Petitioner was responsible for the bulk of the debts in the marriage, including the IRS tax liens on the home. R. 342. It states, in relevant part:

The Petitioner is ordered to assume and pay, and hold Respondent harmless from liability on the following debts (all figures are approximate): . . . ii.
IRS - \$84,000.00

Nowhere in Petitioner’s argument, either at the hearing before the trial court, or in his brief, does he even reference this court order, i.e. the divorce decree. Petitioner presents no viable legal theory whereby he should be excused from obeying the court’s orders, other than a possible reference to the fact that he has “never won in this trial

court—as one would imagine”. Appellant’s brief p.9. There is no basis for the appellate court to overturn the trial court on this issue and therefore, the trial court’s order should be affirmed.

III. RESPONDENT IS ENTITLED TO ATTORNEYS’ FEES ON APPEAL

Petitioner appeals the court’s award of attorneys’ fees against him. R. 1047.

“Generally, when the trial court awards fees in a domestic action to the party who then substantially prevails on appeal, fees will also be awarded to that party on appeal. *Lyngle v. Lyngle*, 831 P.2d 10027, 1031 (Utah App. 1992).” *Osguthorpe v. Osguthorpe*, 872 P.2d1057, 1059 (Utah App. 1994). The appellate court in *Finlayson v. Finlayson*, held that “[a] trial court has discretion to award attorney fees. Utah Code Ann. §30-3-3 (Supp.1993); *Bell v. Bell*, 810 P.2d 489, 493-94 (Utah App. 1991).” 874 P.2d 843 (Utah App. 1994). It further noted the following:

Where a court awards attorney fees incurred by one party seeking to enforce a court order, a court may disregard the financial need of the moving party. *Beardall v. Beardall*, 629 P.2d 425, 427 (Utah 1981)(attorney fees affirmed absent evidence of need where one spouse had to bring three proceedings to compel other spouse to comply with provision of decree); *Stuber v. Stuber*, 121 Utah 632, 244 P.2d 650, 652 (1952)(“There can be no doubt that attorney’s fees are allowable in actions of this type.”); *Tribe v. Tribe*, 59 Utah 112, 202 P.213, 216 (1921)(Court has discretion to award attorney fees in proceeding to enforce provisions of decree “whether for contempt or otherwise”)’ *Lyngle v. Lyngle*, 831 p.2d 1027, 1030 & n.4 (Utah App. 1992)(in action to enforce its own orders, court has discretion to award attorney fees).” *Id.*

The instant action was brought by Respondent to enforce a court order, i.e. the terms of the divorce decree. It was not necessary to show need, though the divorce decree does provide evidence that Petitioner's income was superior to that of the Respondent at the time of the divorce. Petitioner's appeal has no merit and no legal basis. Its effect on Respondent has been solely to prolong the emotional upheaval, which Petitioner has inflicted for the last six years, and add to Respondent's already heavy financial burdens. Respondent was entitled to attorneys' fees in the trial court action and was appropriately awarded judgment for those fees. R.1005; *See also*, Rule 4-911 Rules of Judicial Administration (2002) (repealed Nov. 1, 2003); Rule 102 Utah Rules of Civil Procedure (2005). Respondent should, therefore, be provided an award of attorneys' fees against Petitioner for the cost of defending this appeal, as well. *Osguthorpe v. Osguthorpe*, 872 P.2d1057, 1059 (Utah App. 1994).

IV. PETITIONER IS ENTITLED TO NO RELIEF BASED ON ONGOING CONTEMPT

In the alternative, Petitioner should not be entitled to ask this court for any relief because of his constant contempt with this court's orders. In the six years of constant litigation in this case, since its inception, Petitioner has been found in contempt by the trial court on at least six different occasions, punctuated by two separate jail sentences. *See*, Orders of May 31, 2000, July 27, 2000, April 27, 2001, January 15, 2002, February

10, 2003, October 23, 2003, and March 3, 2004. R. 139, 235, 463, 698, 774, 825, and 915. He has had two petitions to modify dismissed for the same reasons. *See*, Orders of Dismissal of March 14, 2002 and March 3, 2004 R. 727, 917. The history of this case has been one of consistent failure to obey the court orders and a stubborn refusal to acknowledge the authority of the trial court. *Id.*

Now the Petitioner has finally accepted the fact that the trial court will not give him the relief that he desires, he has filed this frivolous appeal. Petitioner has no right to ask the courts for relief when he has refused to abide by its prior orders. The Supreme Court was recently asked to dismiss a case without considering the merits when a party had reportedly "repeatedly and willfully disobeyed [the district court's] orders . . . , destroyed evidence, and refused to recognize the jurisdiction of the Utah courts." *Hentsch Henchoz & Cie v. Gubbay*, 97 P.3d 1283, 1286 (Utah 2004). The Supreme Court noted that that the "Utah Court of Appeals, however, has discussed its authority to dismiss appeals from contemptuous appellants on several occasions." *Id.*

In *D'Aston v. D'Aston*, 790 P.d 590 (Utah Ct. App. 1990), the first Utah case to address the issue, the appellant challenged a divorce decree entered by the trial court. (citations omitted). The court of appeals determined that it could dismiss the appeal because the appellant had failed to pay the amount due her former husband, had failed to post an ordered supersedeas bond, and had been adjudged in contempt by the trial court after "purposefully hiding herself from the jurisdiction of the court and from service." *Id.* at 592-93.

In examining the procedures for dismissal followed by other jurisdictions, the court of appeals noted that there are at least three ways that an appellate court can deal with a contumacious party: (1) the court can dismiss the appeal without allowing the party an opportunity to bring itself into compliance with the trial court's order; (2) the court can allow the party a fixed time to comply with the trial court's order before dismissing the appeal; or (3) the court may, in its discretion, fashion a remedy that is appropriate to the facts and circumstances of the particular case. *Id.* at 593-94 (listing cases); see also *Von Hake V. Thomas*, 881 P.2d 895, 897-98 (Utah Ct. App. 1994) ("*Von Hake II*") (discussing *D'Aston*). . . . see also *Cummings v. Cummings*, 1999 UT App 356, P 11, 993 P.2d 248 (holding that because appellant had been adjudged in contempt and his defiance of court orders had led to the dissipation of the marital assets, the court could, in its discretion, dismiss the appeal and "condition reinstatement of the appeal upon appellant's submission to the court of proof that he had satisfied the judgments held by appellee").

In light of these cases and myriad authorities from other jurisdictions, n6 we conclude that this court, in its discretion, may dismiss the appeals of appellants who have wilfully disobeyed an order of a lower court in the same action. We agree with the approach adopted by the court of appeals that allows the reviewing appellate court to exercise its discretionary authority by fashioning a remedy that is fair and just under the circumstances, taking into account the facts of the particular case. Such authority is indispensable since it would "violate the principles of justice to allow a party who flaunts the orders of the courts to seek judicial assistance" on appeal. *D'Aston*, 790 P.2d 15 593 (additional citations omitted). *Id.* at 1286-1287.

Petitioner has repeatedly been held in contempt. While the trial did find, on one occasion, that "Petitioner has complied with the requirements to purge himself of the contempt sanctions, which were not imposed at the hearing on October 1, 2003", on March 14, 2002 the trial court had actually advised Respondent to file no further motions

with the court for contempt, since it appeared to serve to useful purpose. R. 0727.


Petitioner has failed to pay off the numerous debts ordered by the court and the numerous judgments awarded to Respondent. R. 915. His failures have led to financial hardship for Respondent and an inability to maintain a home for her and the children. Therefore, Respondent respectfully prays that the appellate court deny Petitioner's request for relief herein.

CONCLUSION

Based upon the foregoing facts and argument, it is clear that Petitioner has no legal basis for this appeal. The award of medical expenses is pursuant to statute and within the discretion of the court. The award of repayment of the IRS tax liens was pursuant to the clear terms of the divorce decree. Further, Petitioner has been found in contempt by the trial court on numerous occasions and is not entitled to ask this court for relief. Finally, Respondent should be awarded judgment for her fees to defend this action.

Respectfully submitted this 15th day of May 2006.

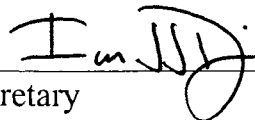
SCRIBNER & McCANDLESS, P.C.

BY: 
LORIE D. FOWLKE
Attorneys for Appellee

MAILING CERTIFICATE

I hereby certify that I mailed a true and correct copy of the foregoing Appellee Brief,
postage prepaid, on this 15th day of May 2006, to the following:

Limhi Latu
2274 North 390 East
Provo, UT 84604



Secretary

ADDENDA

Table of Addenda

1. Decree of Divorce
2. Order on Order to Show Cause and Judgment (July 1, 2005)
3. Trial Court Docket Sheet
4. Transcript of July 1, 2005 hearing – R. 1048
5. Prior Orders of Contempt against Petitioner
 - a. May 31, 2000 – *Order on Order to Show Cause (May 4, 2000)*
 - b. July 27, 2000 – *Order on Review Hearing (June 20, 2000)*
 - c. April 27, 2001 – *Order on Order to Show Cause in re. Contempt*
 - d. January 15, 2002 – *Order on Order to Show Cause in Re. Contempt and Judgment*
 - e. February 10, 2003 – *Order in Re. Contempt/Judgment*
 - f. October 23, 2003 – *Order on Order to Show Cause in re: Contempt*
 - g. March 3, 2004 – *Order on Review*
6. Prior Orders of Dismissal due to Petitioner's Contempt
 - a. March 14, 2002 *Findings of Fact and Conclusions of Law/Order of Dismissal Of Petition to Modify*
 - b. March 3, 2004 *Order of Dismissal*
7. Documentation of IRS tax liens for 1990 and 1991 taxes – R. 1006-1023
8. Respondent's Affidavit of Attorney Fees at trial court

Addendum 1

FILED
Fourth Judicial District Court
Utah County, Utah
10/19/00

LORIE D. FOWLKE (6875)
T. McKAY STIRLAND (5800)
SCRIBNER, STIRLAND & McCANDLESS, P.C.
2696 North University Ave., Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY

STATE OF UTAH

SIONE LIMIHAI LATU,

Petitioner,

vs.

VAI I. LATU,

Respondent.

DECREE OF DIVORCE

Civil No. 994402757
Judge Anthony W. Schofield
Division 8

This matter came before the court on October 19, 2000 for trial on the financial issues. Petitioner was present and represented by Michael K. Black. Respondent was present and represented by Lorie D. Fowlke. The parties entered a Stipulation on the record and in writing which was received and approved by the court. Having received the Stipulation, reviewed the file, having made its Findings of Fact and Conclusions of Law and being otherwise advised in the premises, the court hereby makes the following:

DECREE OF DIVORCE

1. DECREE OF DIVORCE. The Petitioner is granted a Decree of Divorce from and against the Respondent upon the grounds of irreconcilable differences, which Decree shall become final upon entry of the same in the records of the Clerk of the Court.

2.. CHILDREN. There have been nine children born as issue of this marriage. One child died at six months of age and three of the children have reached the age of majority. The five remaining children are still under the jurisdiction of the court and are as follows:

<u>Name of Child</u>	<u>Date of Birth</u>
Wayne Latu	11/11/83
Kina Latu	6/29/86
Nia Latu	6/2/88
Sili Latu	6/2/88
Kika Latu	11/29/90

No further children are expected.

3. CHILD CUSTODY AND VISITATION.

The terms of this provision are set forth in a separate Order entitled "Custody Order (September 5, 2000)".

4. CHILD SUPPORT. Respondent is awarded ~~\$1,077.00~~ <sup>MB JS
\$16.71</sup> per month as child support for the use and benefit of the parties' five minor children in accordance with the Utah Uniform Civil Liability Support Act, §78-45-7.14, UTAH CODE ANNOTATED (as amended). This amount is based on Petitioner's hourly income of \$16.71 plus a component of overtime. Based upon full time

employment, Petitioner's gross monthly employment income would be \$2,874.00 plus an average of four hours per week overtime for a total of \$3,338.50, and Respondent's monthly gross employment income of \$1,680.00. Based upon a Child Support Worksheet and calculated on a 40 hour week, plus 4 hours overtime, the child support obligation for the Petitioner would be ^{\$1,000.00 MKB} ~~\$1,077.00~~. This stipulated amount as set out above takes into consideration the usual and customary availability of overtime and the other distributions of debt and support. (A Child Support Obligation Worksheet is attached hereto, marked Exhibit A, and made a part hereof by reference.)

a. This child support amount shall commence on **October 1, 2000** and continue until the youngest child of the parties reaches the age of 18 or graduates from high school, whichever occurs last. As each of the children reaches the age of 18 or graduates from high school, there shall be an automatic recalculation of child support pursuant to the Child Support Guideline Tables in effect at that time.

b. Petitioner shall pay child support through the Office of Recovery Services and Petitioner's income shall be subject to immediate and automatic withholding for the payment of child support through the Office of Recovery Services pursuant to §§30-3-5.1 and 62A-11-401 et.seq. UTAH CODE ANNOTATED (as amended).

c. So long as the Office of Recovery Services is enforcing child support, each party shall keep the Office of Recovery Services informed of changes in his or her address, employment, income, or medical insurance coverage.

5. CHILD CARE. Child support shall also include, in addition to the basic monthly amount, an order assigning financial responsibility for one-half of all child care expenses incurred on behalf of the dependent children necessitated by the employment or training of the Respondent.

If the child care costs cease to be incurred, Petitioner may suspend making monthly child care expense payments while it is not being incurred, without obtaining a modification order. Respondent should provide written verification of the cost and identity of the child care provider to Petitioner upon initial engagement, and should notify Petitioner of any change in the child care provider or monthly child care expense within 30 calendar days from the date of the change. Respondent may be denied the right to recover Petitioner's share of the child care expenses if she fails to comply with this provision.

6. HEALTH, ACCIDENT AND DENTAL INSURANCE. Petitioner is required to maintain and provide health, accident and dental insurance for the benefit of the parties' minor children, so long as it is available through his employer at a reasonable cost.

a. Respondent is ordered to reimburse Petitioner for one-half the cost of all insurance premiums actually paid by Petitioner on behalf of the parties' minor

children. The premium expense for the children shall be calculated by dividing the premium amount by the number of persons covered under the policy and multiplying the result by the number of children in the instant case.

b. In the event Respondent shall have insurance become available through her employer at a more reasonable cost than that currently paid by Petitioner, then the children's insurance should be transferred to Respondent. In that event, Petitioner shall reimburse Respondent for one-half the cost of the premium expense actually incurred on behalf of the minor children, as calculated above.

c. Petitioner shall notify Respondent, and/or the Utah State Office of Recovery Services, if requested, of any change of insurance, carrier, premium, or benefits available to him within thirty (30) calendar days of the date he first knew or should have known of the change.

7. MEDICAL AND DENTAL EXPENSES OF CHILDREN. Both parents shall share equally in all uninsured routine medical and dental expenses, [including but not limited to one-half of expenses for surgery, orthodontic care, psychological or psychiatric care, hospitalization, physical therapy, ophthalmology and optometry, broken limbs, and continuing illnesses or allergies such as diabetes or asthma] as well as all other reasonable and necessary uninsured medical and dental expenses, in accordance with §78-45-7.15, Utah Code Annotated (as amended).

a. Either parent who incurs medical expenses for parties' minor children shall provide written verification of the cost and payment of such medical expenses to the other parent within 30 days of payment.

b. In addition to any other sanctions provided by the Court, either parent incurring medical expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent knowingly and willingly fails to comply with subparagraph a, as applicable.

8. LIFE INSURANCE. Petitioner is ordered to maintain in full force and effect a life insurance policy on his life in the face amount of \$100,000.00 until such time as the last of the parties' minor children reaches the age of eighteen, so long as it is available through his employer at a reasonable cost. During such period, the Petitioner shall be ordered to irrevocably designate the Respondent as beneficiary on said life insurance policy for the benefit of the minor children.

9. ALIMONY. The Respondent is in need of alimony in order to maintain the household and meet the needs of the Respondent and the minor children. The Petitioner has been self-employed as a roofer and is also currently employed at Kennecott Copper in the amount of \$16.71 an hour plus average overtime of 4 hours per week. The Respondent is recently employed at Meridian School and has a gross monthly income of \$1,680.00. Based on the foregoing and the debt distribution, Respondent is in need of the sum of at least \$500.00 per month. Petitioner shall pay to Respondent as alimony, \$400.00 a month until December, 2001; then \$300.00 a month until

December, 2002; then \$200.00 a month for eight years, or until the Respondent remarries, dies, cohabitates with a member of the opposite sex, whichever occurs first. Said support is payable one-half on the fifth and one-half on the twentieth of each month together with child support. Alimony is tax deductible to the payor and taxable to the payee and will end upon the death of the payee.

10. PERSONAL PROPERTY. During the term of this marriage the parties have acquired certain personal property. Said property shall be distributed as the parties agree and is currently held, with the exception that Petitioner shall remove his tools from the garage. Petitioner shall also be entitled to keep the family genealogy records so long as he provides a copy of all such records to Respondent within ten (10) days of the divorce degree. The children shall be entitled to have access in both homes to any instruments they may need for practices or performances, so long as they obtain permission from the parent of each home, which permission shall not be unreasonably withheld.

11. REAL PROPERTY. During the period of their marriage, the parties have acquired certain real property including a residence at 104 South 860 East, Orem, Utah, which property is held in joint tenancy.

a. Respondent is awarded the use and possession of the marital residence. Presently the home has a fair market value of \$120,000.00 and there is a mortgage in the amount of approximately \$34,000.00 owed on the home. At the present time, both parties would be entitled to equity in the home of \$43,000.00, less costs of sale.

There are certain liens that have been filed against the home which shall be paid according to the heading in this Stipulation entitled debts and obligations. The Respondent shall pay the Petitioner's share of equity in the home to him when the youngest child turns 18 or graduates from high school in his or her normal year of graduation, or the earliest occurrence of the Respondent's remarriage, cohabitation, refinancing of the home, or sale of the home, so long as Respondent has paid his share of the liens on the home. If Petitioner's share of the liens on the home are not paid at the time of the triggering event, Respondent shall not be required to pay Petitioner his equity, because there will not be any equity in the home to divide as it is encumbered by liens incurred by the Petitioner.

b. Said real property is awarded to Respondent as her sole and exclusive possession. The Petitioner shall execute a quit-claim deed conveying said property to the Respondent. Respondent shall be responsible for the mortgage payment, taxes and insurance for the year 2000 forward.

15. BUSINESS INTERESTS. Petitioner is awarded all right and title to the business All Weather Roofing, together with all equipment owned and used by such business.

16. DEBTS. During the period of their marriage the parties have incurred certain debts and obligations. The following is a fair and equitable distribution of the same:

a. The Petitioner is ordered to assume and pay, and hold Respondent harmless from liability on the following debts (all figures are approximate):

- i. Bank One - \$88,000.00
- ii. IRS - \$84,000.00
- iii. Industrial Commission of Utah - \$8,500.00
- iv. Utah State Tax Commission - \$10,000.00
- v. Utah County Property Taxes for 1997 through 1999-
\$2,743.85, plus any additional interest, penalties and costs.
- vi. Dr. Norman Jorgenson - \$3,000.00
- vii. Bert Murdock
- viii. Orem Community Hospital - \$200.00
- ix. Dr. Wayne Mortensen - \$300.00
- x. IHC American Fork - \$1,264.66
- xi. Butterfield Lumber - \$2,990.19
- xii. All debts incurred after the date of separation, October 26,
1999.
- xiii. Petitioner's student loan

b. The Respondent is ordered to assume and pay, and hold Petitioner harmless from liability on the following debts:

- i. ZCMI
- ii. Bonneville Collection
- iii. Knight Adjustment Bureau
- iv. All debts incurred after the date of separation Oct. 26, 1999.
- v. Mortgage on marital home

c. Pursuant to §30-3-5(1)(c)(ii), UTAH CODE ANNOTATED, each party shall notify the respective creditors or obligees regarding the Court's division of the debts, obligations and liabilities, and provide the parties' separate current addresses to the respective creditors or obligees.

d. In the event the Petitioner files bankruptcy and does not pay the debts to the IRS or the Utah State Tax Commission, Respondent waives the right to seek contempt sanctions against Petitioner for non-payment of those debts. However, in that event, Petitioner shall forfeit his share of any equity in the home.

17. JUDGMENT. Respondent has been awarded judgment against the Petitioner in the amount of \$1,035.00 for support through July 31, 2000, \$760.99 for debt payments through July 31, 2000, and \$300.00 for temporary attorneys fees (\$100.00 of which has been paid), for a total of \$1,995.99, not paid by Petitioner as ordered by the court. Since July 31, 2000, Respondent has also paid \$57.00 to Dr. Hacking, \$164.10 to Knight Adjustment Bureau, and \$200.00 to ZCMI and is entitled to judgment for an additional \$421.10. Added to the \$1,959.99, Petitioner owes

Respondent \$2,417.09. These judgments shall be collected together with current child support and alimony through the Office of Recovery Services. The parties agree that the Petitioner shall pay \$100.00 per month towards the arrearage.

18. RETIREMENT AND SAVINGS. During the period of their marriage, the parties agreed there were no retirement benefits and/or savings plan(s) that have accrued. Based upon these representations, no orders are necessary regarding this matter.

19. TAX EXEMPTIONS. So long as there are five minor children available for tax exemptions, the Petitioner shall be entitled to three exemptions and the Respondent shall be entitled to two. At such time as there are four minor children for which tax exemptions are available, each of the parties shall share two. At such time as there are three minor children for which tax exemptions are available, the Petitioner shall be entitled to two exemptions and the Respondent shall be entitled to one. At such time as there are two children for which tax exemptions are available, each of the parties shall share one and at such time as there is only one child for which tax exemption is available, then the parties shall rotate the exemption from year to year such that the Petitioner is entitled to the exemption in even numbered years and the Respondent in odd numbered years. Neither party shall be entitled to the exemptions unless they are current on child support and shall receive a benefit thereby.

20. DIVORCE EDUCATION CLASS. Each party has attended and completed the two-hour course entitled "Divorce Education for Parents" as required by law.

21. CONTEMPT. Respondent waives her claims for contempt against the Petitioner regarding the debts and personal property, so long as Petitioner returns the photo albums and box of photographs as previously ordered, and provides copies of the genealogy records as set forth herein, within ten (10) days of the entry of the divorce decree. Respondent also withdraws her Motion to Strike and accompanying request for sanctions.

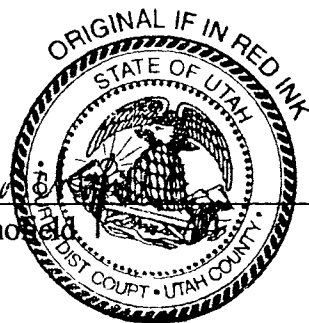
22. ATTORNEY'S FEES. Petitioner shall pay \$3,500 towards Respondent's attorney's fees and costs which figure includes those fees previously awarded for the July 17, 2000 contempt hearing.

23. DOCUMENT DELIVERY. Each party is ordered to execute and deliver to the other party any documents necessary to implement the provisions of the Decree of Divorce entered by the Court.

DATED and signed this 19 day of October, 2000.

BY THE COURT:

Anthony W. Schofield
Judge Anthony W. Schofield



Michael R. Black

Lorie D. Fowlke
 SCRIBNER, STIRLAND & McCANDLESS
 Attorneys for Respondent
 2696 North University Ave. Suite 220
 Provo, Utah 84604
 Telephone: 1 (801) 375-5600

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY
 STATE OF UTAH

SIONE LIMIHAI LATU, :
 Petitioner, : **CHILD SUPPORT OBLIGATION**
 vs. : **WORKSHEET**
 : **(SOLE CUSTODY)**
 VAI I. LATU, :
 Respondent. : Civil No.: 994402757

	Mother	Father	Combined
1. Enter the # of natural and adopted children of this mother and father for whom support is to be awarded	////////// //////////	////////// //////////	5
2a. Enter the father's and mother's gross monthly income. Refer to Instructions for definition of income.	\$1,680.00	\$3,338.50	////////// //////////
2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case).	-	-	////////// //////////
2c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1).	-	-	////////// //////////
2d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.	-	-	////////// //////////
3. Subtract Lines 2b, 2c, and 2d from 2a. This is the Adjusted Gross Income for child support purposes.	\$1,680.00	\$3,338.50	\$5,018.50
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Find the Base Combined Support Obligation. Enter it here.	////////// ////////// //////////	////////// ////////// //////////	\$1,607.00
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.	33%	67%	////////// //////////
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$530.00	\$1,077.00	////////// //////////
7. BASE CHILD SUPPORT AWARD: Bring down the amount in Line 6 for the Obligor Parent or enter the amount from the Low Income Table.			1000 MKB \$1,077.00

8. Which parent is the obligor? ☐ Mother ☒ Father

9. Is the support award ordered different from the guideline amount in Line 7? ☒ Yes ☒ No
 If YES, enter the amount ordered: \$ 1,000

10. What were the reasons stated by the Court for the deviation?

- ☐ property settlement
☐ excessive debts of the marriage
☐ absence of need of the custodial parent

☒ Other: Stipulation

☐ Electronic filing ☐ Manual Filing

Addendum 2

FILED
Fourth Judicial District Court
of Utah County, State of Utah
10.58 8/17/05 Deputy

LORIE D. FOWLKE (6875)
SCRIBNER & McCANDLESS, P.C.
2696 North University Ave., Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY

STATE OF UTAH

SIONE LIMIHAI LATU,

Petitioner,

vs.

VAI I. LATU,

Respondent.

**ORDER ON ORDER TO SHOW
CAUSE AND JUDGMENT
(July 1, 2005)**

Civil No. 994402757
Judge Anthony W. Schofield
Division 8

This matter came before the Court on July 1, 2005 pursuant to Respondent's Motion for Order to Show Cause. Petitioner was present and represented himself. Respondent was present and represented by Lorie D. Fowlke of Scribner & McCandless, P.C. Having received testimony and argument, and being otherwise advised in the premises, the Court hereby finds and orders as follows:

1. The court finds that, based upon the statute in §78-45-7.15(8) Utah Code (2005) the law requires that both parents pay one-half of all medical and dental expenses for the minor children that are not covered by insurance. in addition to child support. The record is clear regarding the amount owed and Respondent is awarded **judgment** against the Petitioner for **\$2,448.39**, which represents \$1,592.32 for unpaid orthodontic expenses and \$856.07 for dental expenses for the minor children.

2. The court awards the Respondent **judgment** against the Petitioner for **\$8,383.50**, which represents funds garnished from Respondent's tax refund in 2000 and 2002 for taxes due in the years 1990 and 1991 (\$3,847, \$385, and \$578.50 in 2002: and \$3,564 in 2000). This judgment is subject to confirmation, to be provided to the court within fifteen (15) days, that the funds garnished were for the taxes during the time of the parties' marriage.

3. Respondent, having prevailed on her claims, is awarded **judgment** against the Petitioner for **\$837.44** in attorneys' fees, based upon counsel's Affidavit of Attorneys' fees filed herewith.

DATED and signed this 15 ^{August} day of ~~July~~ 2005.

BY THE COURT:

Anthony W. Schiflett
DISTRICT COURT JUDGE

NOTICE OF INTENT TO SUBMIT FOR SIGNATURE

TO: LIMIHAI LATU, PETITIONER:

You will please take notice that the undersigned attorney for Respondent will submit the above and foregoing Order on Order to Show Cause and Judgment to the Honorable Anthony W. Schofield for his signature upon the expiration of five (5) days from the date of this notice, plus three (3) days for mailing, unless written objection is filed prior to that time pursuant to Rule 7 of the Utah Rules of Civil Procedure.

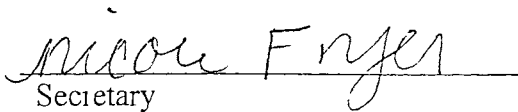
Dated and signed this 13 day of July 2005


LORIE D. FOWLKE

MAILING CERTIFICATE

I hereby certify that I mailed a true and correct copy of the foregoing, postage prepaid, on this
13 day of July, 2005, to the following

Limlu Latu
2274 North 390 East
Provo, UT 84604


Secretary

Addendum 3

4TH DISTRICT COURT - PROVO
UTAH COUNTY, STATE OF UTAH

SIONE LIMIHAI LATU vs. VAI I LATU

CASE NUMBER 994402757 Divorce/Annulment

CURRENT ASSIGNED JUDGE
ANTHONY W. SCHOFIELD
Division 8

PARTIES

Intervenor - ORS
Represented by: AMY M FELT

Respondent - VAI I LATU
private,
Represented by: LORIE D FOWLKE

Intervenor - STATE OF UTAH DIVISION OF CHILD & FAMILY SER
Represented by: ALAN B SEVISON

Petitioner - SIONE LIMIHAI LATU
private,

ACCOUNT SUMMARY

TOTAL REVENUE	Amount Due:	283.50
	Amount Paid:	283.50
	Credit:	0.00
	Balance:	0.00

REVENUE DETAIL - TYPE: DIVORCE PETN

	Amount Due:	80.00
	Amount Paid:	80.00
	Amount Credit:	0.00
	Balance:	0.00

REVENUE DETAIL - TYPE: VITAL STATISTICS FEE

	Amount Due:	2.00
	Amount Paid:	2.00
	Amount Credit:	0.00
	Balance:	0.00

REVENUE DETAIL - TYPE: DIVORCE COUNTER

	Amount Due:	60.00
	Amount Paid:	60.00
	Amount Credit:	0.00

CASE NUMBER 994402757 Divorce/Annulment

Balance:	0.00
REVENUE DETAIL - TYPE: COPY FEE	
Amount Due:	38.25
Amount Paid:	38.25
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: COPY FEE	
Amount Due:	3.50
Amount Paid:	3.50
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: COPY FEE	
Amount Due:	3.00
Amount Paid:	3.00
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: COPY FEE	
Amount Due:	4.50
Amount Paid:	4.50
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: COPY FEE	
Amount Due:	2.25
Amount Paid:	2.25
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: CERTIFIED COPIES	
Amount Due:	2.00
Amount Paid:	2.00
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: CERTIFICATION	
Amount Due:	2.00
Amount Paid:	2.00
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: DIVORCE MODIFICATION	
Amount Due:	30.00
Amount Paid:	30.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: DIVORCE MODIFICATION

Amount Due:	40.00
Amount Paid:	40.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: VIDEO TAPE COPY

Amount Due:	15.00
Amount Paid:	15.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: COPY FEE

Amount Due:	1.00
Amount Paid:	1.00
Amount Credit:	0.00
Balance:	0.00

CASE NOTE

PROCEEDINGS

12-23-99 Filed: Child Support Obligation Worksheet (Joint Custody)
12-23-99 Filed: Worksheet to Determine Father's Obligation to Children
in His Present Home
12-23-99 Filed: 1998 Income tax Return Statement (Sione Latu)
12-23-99 Filed: Motion to Waive Divorce Education Requirement
12-23-99 Filed: Affidavit of Income Verification and Compliance with the
Uniform Child Support Guidelines
12-23-99 Filed: Petitioner's Affidavit of Jurisdiction and Grounds for
Divorce
12-23-99 Filed: Affidavit in Support of Motion to Waive Divorce
Education Requirement
12-23-99 Judge BURNINGHAM assigned.
12-23-99 Filed: Verified Petition
12-23-99 Fee Account created Total Due: 80.00
12-23-99 Fee Account created Total Due: 2.00
12-23-99 DIVORCE PETN Payment Received: 80.00
Note: Code Description: DIVORCE PETN; Code Description:
VITAL STATISTICS FEE
12-23-99 VITAL STATISTICS FEE Payment Received: 2.00
12-23-99 Filed: Petition
01-05-00 Filed: Ruling
01-10-00 Filed: Mail Returned (Ruling)
01-14-00 Filed return: Summons
Party Served: Vai I Latu
Service Type: Personal

CASE NUMBER 994402757 Divorce/Annulment

Service Date: January 10, 2000
 01-25-00 Issued: Order to Show Cause
 Judge GUY R. BURNINGHAM
 Hearing Date: February 01, 2000 Time: 09:30
 01-25-00 Filed: Answer and Counterclaim
 01-25-00 Fee Account created Total Due: 60.00
 01-25-00 DIVORCE COUNTER Payment Received: 60.00
 Note: Code Description: DIVORCE COUNTER
 01-25-00 Filed: Motion for Order to Show Cause
 01-25-00 Filed: Affidavit of Respondent in Support of Motion for Order
 to Show Cause
 01-25-00 ORDER TO SHOW CAUSE scheduled on February 01, 2000 at 09:30 AM
 in Fourth floor, Rm 403 with Judge BURNINGHAM.
 01-31-00 Filed return: Order to Show Cause
 Party Served: LATU, SIONE LIMIHAI
 Service Type: Personal
 Service Date: January 28, 2000
 01-31-00 Filed: Mailing Certificate
 02-01-00 Minute Entry - Minutes for Order to Show Cause
 Judge: GUY R. BURNINGHAM
 Clerk: debbier
 PRESENT

Petitioner(s): SIONE LIMIHAI LATU
 Attorney for the Respondent: LORI FOWLKE
 Respondent(s): VAI I LATU
 Video
 Tape Number: #2 Tape Count: 11:03

HEARING

Parties address the court. Partial stipulation read in open court. Court rules as to the following: Statutory visitation to be liberal with temporary physical custody to be with Mrs Latu. Both parties are awarded joint legal custody.
 Mutual restraining order to issue. Court orders neither party to speak negatively or demean each other in front on the children. Neither party to talk with children about divorce litigation. Attorney fees of \$300.00 awarded to respondent.
 Temporary support of \$1,150.00 awarded to respondent, due on the 5th and 20th of each month. Respondent to make house payments out of temporary support effective 2-5-2000. Petitioner gives new address. Ms Fowlke to prepare order.

02-07-00 Filed: Notice of Records Deposition
 02-07-00 Filed: Notice of Records Deposition
 02-07-00 Filed: Mailing Certificate
 02-07-00 Filed: Affidavit of Impecuniosity

02-11-00 Filed: Letter from Limihai Latu
02-14-00 Filed return: Subpoena Duces Tecum
Party Served: Pacific States Records Dept
Service Type: NonPersonal
Service Date: February 07, 2000
02-14-00 Filed return: Subpoena Duces Tecum
Party Served: Zions Bank
Service Type: NonPersonal
Service Date: February 07, 2000
02-18-00 Filed: Notice of Appearance (T Patton for Petitioner)
02-22-00 Filed: Motion for Guardian Ad Litem
02-22-00 Filed: Affidavit of Vai Latu in Support of Motion to Appoint a
Guardian Ad Litem and/or Counseling
02-22-00 Filed: Mailing Certificate
02-22-00 Filed: Mailing Certificate
02-23-00 Filed order: Order Appointing Guardian ad Litem
Judge gburning
Signed February 23, 2000
03-02-00 Filed: Mailing Certificate
03-03-00 Filed order: Amended Order on Order to Show Cause
Judge gburning
Signed March 03, 2000
03-10-00 Filed: Notice of Entry of Guardian ad Litem Order and Amended
Order on Order to Show Cause
03-10-00 Filed: Mailing Certificate
03-13-00 Filed: Notice of Appearance of Counsel (Kelly Frye as Guardian
ad Litem)
03-24-00 Filed: Motion for Order to Show Cause in RE: Contempt
03-24-00 Filed: Affidavit in Support of Motion for Order to Show Cause
03-24-00 Issued: Order to Show Cause In Re Contempt
Judge GUY R. BURNINGHAM
Hearing Date: April 10, 2000 Time: 09:15
03-27-00 ORDER TO SHOW CAUSE scheduled on April 10, 2000 at 09:15 AM in
Fourth floor, Rm 403 with Judge BURNINGHAM.
03-27-00 Filed: Mailing Certificate
03-27-00 Filed: Certificate of Delivery
04-03-00 Filed: Exhibit A
04-04-00 Notice - NOTICE for Case 994402757 ID 934113
ORDER TO SHOW CAUSE.
Date: 05/04/2000
Time: 09:45 a.m.
Location: Fourth floor, Rm 403
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: GUY R. BURNINGHAM
The reason for the change is Conflict in attorney schedule
04-04-00 ORDER TO SHOW CAUSE rescheduled on May 04, 2000 at 09:45 AM
Reason: Conflict in attorney schedule.

04-13-00 Filed: Div Ed (Vai) 3/29/00
05-04-00 REVIEW HEARING scheduled on June 07, 2000 at 08:30 AM in Fourth
floor, Rm 403 with Judge BURNINGHAM.
05-04-00 Minute Entry - Minutes for PHONE CONFERENCE
Judge: GUY R. BURNINGHAM
Clerk: debbier
TELEPHONE CONFERENCE
PRESENT

Petitioner's Attorney: THOMAS R. PATTON
Attorney for the minor: KELLY FRYE
Attorney for the Respondent: LORIE D FOWLKE
Tape Count: 1:15

HEARING

Counsel addresses the court. Ms Frye gives report on minor
children. Divorce adjustment counseling ordered as soon as
possible. On visitation, children must be home by 8:30 pm. Issues
of contempt are reserved. Ms Frye to prepare order.
REVIEW HEARING is scheduled.

Date: 06/07/2000
Time: 08:30 a.m.
Location: Fourth floor, Rm 403
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601

Before Judge: GUY R. BURNINGHAM

05-24-00 Filed: Response to Request for In Camera Interview
05-31-00 Filed order: Order on Order to Show Cause (May 4, 2000)
Judge gburning
Signed May 31, 2000

06-07-00 REVIEW HEARING scheduled on June 20, 2000 at 01:00 PM in Fourth
floor, Rm 403 with Judge BURNINGHAM.
06-07-00 Minute Entry - Minutes for REVIEW HEARING
Judge: GUY R. BURNINGHAM
Clerk: debbier
PRESENT

Petitioner's Attorney: THOMAS R. PATTON
Attorney for the minor: KELLY FRYE
Attorney for the Respondent: LORIE D FOWLKE
Video
Tape Count: 8:30

HEARING

Counsel meets in chambers and addresses the court regarding update of case. Review hearing is continued and Mr Latu is to be present. REVIEW HEARING is scheduled.

Date: 06/20/2000

Time: 01:00 p.m.

Location: Fourth floor, Rm 403
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601

Before Judge: GUY R. BURNINGHAM

06-07-00 Filed order: Amended Order on Order to Show Cause (May 4, 2000)

Judge gburning

Signed June 07, 2000

06-20-00 Minute Entry - Minutes for REVIEW HEARING

Judge: GUY R. BURNINGHAM

Clerk: debbier

PRESENT

Petitioner's Attorney: THOMAS R. PATTON

Petitioner(s): SIONE LIMIHAI LATU

Attorney for the minor: KELLY FRYE

Attorney for the Respondent: LORIE D FOWLKE

Respondent(s): VAI I LATU

Video

Tape Number: #19 Tape Count: 1:10

HEARING

Ms Fowlke addresses the court on update of case. Mr Patton addresses the court with a motion to withdraw as counsel. Ms Frye addresses the court regarding evaluations. Motion to withdraw of Mr Patton is granted. Mr Latu is to find other

counsel by 7-5-2000. Both parties are to encourage minors to spend time with other parent. Mr Latu to provide health insurance information to Ms Fowlke by 6-30-2000. OSC scheduled will not be continued. Ms Fowlke to prepare order.

EVIDENTIARY HEARING is scheduled.

Date: 07/19/2000

Time: 01:30 p.m.

Location: Fourth floor, Rm 403
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601

Before Judge: GUY R. BURNINGHAM

06-20-00 EVIDENTIARY HEARING scheduled on July 19, 2000 at 01:30 PM in

06-22-00 Filed: Filing of Representation (Pro se)
06-26-00 Filed: Mailing Certificate
06-29-00 Filed: Mailing Certificate
07-05-00 Filed: Notice of withdrawal of counsel
07-08-00 Note: Calendar Judge assignment changed from GUY R. BURNINGHAM
to ANTHONY W. SCHOFIELD for appearance on 07/19/2000
07-08-00 Judge SCHOFIELD assigned.
07-17-00 Fee Account created Total Due: 38.25
07-17-00 COPY FEE Payment Received: 38.25
07-18-00 Filed: Motion to Compel Answers to Interrogatories and Request
for Production of Documents and for Order Awarding Attorneys
Fees
07-18-00 Filed: Memorandum of Points and Authorities in Support of
Motion to Compel Answers to Interrogatories and Request for
Production of Documents and for Order Awarding Attorneys Fees
07-18-00 Filed: Affidavit in Support of Motion to Compel Answers to
Interrogatories and Request for Production of Documents and for
Order Awarding Attorneys Fees
07-18-00 Filed: Mailing Certificate
07-19-00 Minute Entry - Minutes for EVIDENTIARY HEARING
Judge: ANTHONY W. SCHOFIELD
Clerk: carissal
PRESENT

Petitioner(s): SIONE LIMIHAI LATU
Attorney for the minor: KELLY FRYE
Attorney for the Respondent: LORIE D FOWLKE
Respondent(s): VAI I LATU
Video
Tape Number: 02D Tape Count: 01:38pm

HEARING

COUNT: 01:48p
Ms. Latu is sworn and testified on direct by Lorie Fowlke.
COUNT: 02:45p
Cross by Mr. Latu.
COUNT: 03:30p
Court takes a brief recess.
COUNT: 03:41p
Redirect of Ms. Latu by Ms. Fowlke. Cross by Kelly Frye.
COUNT: 03:47p
Limihai Latu is sworn and testified on direct by Ms. Fowlke.
Cross by Ms. Frye.
COUNT: 04:10p
Mr. Latu testifies on his own behalf. Cross by Ms. Fowlke.

CLOSING ARGUMENTS is scheduled.

Date: 07/27/2000

Time: 03:00 p.m.

Location: Check daily calendar
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601

Before Judge: ANTHONY W. SCHOFIELD

07-19-00 CLOSING ARGUMENTS scheduled on July 27, 2000 at 03:00 PM in
Check daily calendar with Judge SCHOFIELD.

07-19-00 Minute Entry - Minutes for TELEPHONE CONFERENCE

Judge: ANTHONY W. SCHOFIELD

Clerk: tarag

TELEPHONE CONFERENCE

PRESENT

Attorney for the minor: KELLY FRYE

Attorney for the Respondent: LORIE D FOWLKE

Respondent(s): VAI I LATU

Video

Tape Number: 75 Tape Count: 10:15

HEARING

Ms. Fowkle advised the Court and addressed the issue of counseling for the children. Ms. Frye responds.

Mr. Latu advised the Court that he is currently looking for a counseling program for the children.

Court directs the Mr. Latu with his children meets with Dr. Marriot today at 4:30 pm.

Mr. Latu may request a Review hearing. The Court directs that Mr. Latu notify the Court by July 5, 2000 in regards to the defendant finding counsel or if he plans to proceed pro se.

07-19-00 Filed: Divorce Ed Cert of Sione Latu (2/5/00)

07-19-00 Filed: Amended Pleadings (July 5, 2000)

07-25-00 Filed: Letter from Limhi Latu

07-26-00 Filed: Memorandum in Response to Petitioners Amended Peadings
and Motion to Strike

07-26-00 Filed: Mailing Certificate

07-27-00 Filed order: Order on Telephone Conference (June 28, 2000)

Judge aschofie

Signed July 27, 2000

07-27-00 Filed order: Order on Review Hearing (June 20, 2000)

Judge aschofie

Printed: 04/13/06 12:00:00

Page 9

CASE NUMBER 994402757 Divorce/Annulment

Signed July 27, 2000

07-27-00 Fee Account created

Total Due:

3.50

07-27-00 COPY FEE

Payment Received:

3.50

07-27-00 Minute Entry - Minutes for CLOSING ARGUMENTS

Judge: ANTHONY W. SCHOFIELD
Clerk: carissal
PRESENT

Petitioner(s): SIONE LIMIHAI LATU
Attorney for the minor: KELLY FRYE
Attorney for the Respondent: LORIE D FOWLKE
Respondent(s): VAI I LATU
Video
Tape Number: 06d Tape Count: 03:21pm

HEARING

The Court met with the children at 01:30pm. Ms. Fowlke addresses the Court. Mr. Latu addresses the Court.

TAPE: 04d COUNT: 03:47p

Mr. Latu continues to address the Court.

COUNT: 04:03p

Rebuttle by Ms. Fowlke.

COUNT: 04:10p

Ms. Frye addresses the Court.

COUNT: 04:15p

The Court takes a brief recess.

COUNT: 04:29p

Court resumes. The Court finds the plaintiff in contempt. The plaintiff is ordered to return the photo albums, geneology, and photos by 08/05/00.

The plaintiff is ordered to either return the piano to the defendant or he may keep the piano and pay the debt owed on it.

Sili is ordered to be returned to live with her mother by 07/30/00.

The Court orders Judgment in the amount of \$1535.00 for child support. Child support is to be recalculated without including Melva.

The Court orders Judgment of \$760.99.

The plaintiff is ordered to serve 10 days in the Utah County Jail with work release. He is to sign up by 08/02/00. For the 10 day the children are to remain at their mother's home only.

The Court awards attorney fees. Ms. Fowlke is to submit an affidavit. The Court orders statutory visitation.

Ms. Fowlke is to prepare the order. This case is set for hearing on the visitation and adjustment of support.

HEARING ON VISITATION & SUPP is scheduled.

Printed: 04/13/06 12:00:08

Page 10

CASE NUMBER 994402757 Divorce/Annulment

Date: 08/09/2000

Time: 01:30 p.m.

Location: Check daily calendar

FOURTH DISTRICT COURT

125 N 100 W
PROVO, UT 84601

Before Judge: ANTHONY W. SCHOFIELD

07-27-00 HEARING ON VISITATION & SUPP scheduled on August 09, 2000 at
01:30 PM in Check daily calendar with Judge SCHOFIELD.

08-02-00 Filed: Mailing Certificate

08-07-00 Filed: Notice of Records Deposition

08-07-00 Filed: Affidavit of Attorneys Fees

08-07-00 Filed: Mailing Certificate

08-07-00 Filed: Mailing Certificate

08-09-00 Filed: Notice to Submit

08-09-00 HEARING ON SUPPORT scheduled on September 05, 2000 at 10:00 AM
in Check daily calendar with Judge SCHOFIELD.

08-09-00 Minute Entry - Minutes for HEARING ON VISITATION AND SU

Judge: ANTHONY W. SCHOFIELD

Clerk: carissal

PRESENT

Petitioner(s): SIONE LIMIHAI LATU

Attorney for the minor: KELLY FRYE

Attorney for the Respondent: LORIE D FOWLKE

Respondent(s): VAI I LATU

Video

Tape Number: 07 Tape Count: 01:41pm

HEARING

Mr. Latu motions the Court for a continuance to obtain counsel.
The Court grants the motion on the condition that Mr. Latu pay Ms.
Latu child support in the amount of \$575, paying \$400 today and
\$175 tomorrow.

Ms. Frye addresses the Court. Ms. Fowlke addresses the Court.
Mr. Latu addresses the Court.

Mr. Latu is to hire an attorney and have them file a notice of
appearance of counsel within 10 days by 08/19/00. Mr. Latu is to
provide to Ms. Fowlke within 10 days copies of answers and
documents requested in discovery.

Mr. Latu is to provide a copy of the list of his insurance
providers to Ms. Fowlke within 10 days.

The Court orders visitation every other weekend with Mr. Latu and
every other Tuesday and Wednesday on his days off. The children
must sleep where a parent is home. If Mr. Latu works on the
weekends the children must return at night to their mother's.

Printed: 04/13/06 12:00:13

Page 11

CASE NUMBER 994402757 Divorce/Annulment

HEARING ON SUPPORT is scheduled.

Date: 09/05/2000

Time: 10:00 a.m.

Location: Check daily calendar

FOURTH DISTRICT COURT

125 N 100 W
PROVO, UT 84601

Before Judge: ANTHONY W. SCHOFIELD

08-16-00 Filed: Mailing Certificate

08-16-00 Filed: Notice of Entry of Order on Telephone Conference (June 28, 2000) and Order on Review Hearing (June 20, 2000)

08-22-00 Filed return: Subpoena Duces Tecum

Party Served: Central Bank/Records Dept

Service Type: NonPersonal

Service Date: August 04, 2000

08-23-00 Filed: Copies of Letters from the Guardian Ad Litem to the Children

09-05-00 Minute Entry - Minutes for HEARING ON SUPPORT

Judge: ANTHONY W. SCHOFIELD

Clerk: carissal

PRESENT

Petitioner's Attorney: MICHAEL BLACK

Petitioner(s): SIONE LIMIHAI LATU

Attorney for the minor: KELLY FRYE

Attorney for the Respondent: LORIE D FOWLKE

Respondent(s): VAI I LATU

Video

Tape Number: 09 Tape Count: 11:08am

HEARING

Ms. Fowlke presents the partial stipulation on the record. The Court approves the stipulation. Ms. Fowlke is to prepare the order. Mr. Black is to respond to Ms. Fowlke's discovery by 09/18/00.

This case is set for trial. Counsel is given both a second place and a first place setting. Ms. Frye is excused from the Bench trial.

2ND PLACE BENCH TRIAL is scheduled.

Date: 10/19/2000

Time: 09:00 a.m.

Location: Check daily calendar

FOURTH DISTRICT COURT

125 N 100 W

PROVO, UT 84601

Before Judge: ANTHONY W. SCHOFIELD

Printed: 04/13/06 12:00:18

Page 12

CASE NUMBER 994402757 Divorce/Annulment

1ST PLACE BENCH TRIAL.

Date: 11/30/2000

Time: 09:00 a.m.

Location: Check daily calendar

FOURTH DISTRICT COURT

125 N 100 W
PROVO, UT 84601

Before Judge: ANTHONY W. SCHOFIELD

09-05-00 2ND PLACE BENCH TRIAL scheduled on October 19, 2000 at 09:00 AM
in Check daily calendar with Judge SCHOFIELD.

09-05-00 1ST PLACE BENCH TRIAL scheduled on November 30, 2000 at 09:00
AM in Check daily calendar with Judge SCHOFIELD.

09-06-00 Filed: Letter from Melba Latu

09-12-00 Minute Entry - Minutes for PHONE CONFERENCE

Judge: ANTHONY W. SCHOFIELD

Clerk: carissal

TELEPHONE CONFERENCE

PRESENT

Petitioner's Attorney: MICHAEL K BLACK

Attorney for the minor: KELLY FRYE

Attorney for the Respondent: LORIE D FOWLKE

Tape Count: 04:15pm

HEARING

Ms. Fowlke represented to the Court that Mr. Latu has removed the older boy, Wayne, from the Orem school and enrolled him into the Provo school.

Ms. Frye informed that Court that Mr. Latu came in today and was very aggressive towards her. Mr. Latu stated that he had not come to an agreement. Mr. Black is to meet with Mr. Latu tomorrow and try to come to an agreement.

If the parties need a further hearing they are to contact the Court.

09-12-00 Note: The Court has called Michael Black's office and the Price Court to locate Mr. Black. He is not in for a phone conference at the request of Lorie Fowlke. If Mr. Black does not get back today, the Court will hold a phone conference on Monday morning

09-12-00 Note: @ 08:15am. The Court notified all parties.

09-12-00 Note: The Court held a phone conference @ 04:15pm.

09-18-00 Note: The Court notified Lorie Fowlke and Michael Black that the 10/19/00 date was now a first place setting.

09-18-00 1ST PLACE BENCH TRIAL scheduled on October 19, 2000 at 09:00 AM
in Check daily calendar with Judge SCHOFIELD.

09-18-00 1ST PLACE BENCH TRIAL Cancelled.

Printed: 04/13/06 12:00:22

Page 13

CASE NUMBER 994402757 Divorce/Annulment

09-18-00 2ND PLACE BENCH TRIAL Cancelled.

09-25-00 Filed: Mailing Certificate

10-06-00 Filed: Mailing Certificate

10-06-00 Filed: Notice of Records Deposition

10-10-00 Filed order: Order on Hearing (August 9, 2000)

Judge aschofie

Signed October 10, 2000

10-10-00 Filed order: Custody Order (September 5, 2000)
Judge aschofie
Signed October 10, 2000
10-11-00 Filed: Mailing Certificate
10-17-00 Filed: Notice of Entry of Custody Order (September 5, 2000) and
Order on Hearing (August 9, 2000)
10-17-00 Filed: Motion to Strike Pleadings
10-17-00 Filed: Memorandum in Support of Motion to Strike Pleadings
10-17-00 Filed: Mailing Certificate
10-18-00 Minute Entry - Minutes for PHONE CONFERENCE
Judge: ANTHONY W. SCHOFIELD
Clerk: carissal
TELEPHONE CONFERENCE
PRESENT

Petitioner's Attorney: MICHAEL K BLACK
Attorney for the Respondent: LORIE D FOWLKE

HEARING

Mr. Black addresses the Court. Ms. Fowlke addresses the Court.
The Court denies the motion to continue the trial. Mr. Latu is to
appear at trial tomorrow either with counsel or without. The trial
will go forward.

10-18-00 Filed: Certificate of Service by Hand Delivery
10-18-00 Filed: Objection to the Proposed Custody Order (September 5,
2000)
10-18-00 Filed: Motion to Allow Counsel Michael K. Black to Withdraw and
to Continue the Hearing Date
10-18-00 Filed: Memorandum of Points and Authorities in Support of
Petitioners Motion
10-19-00 Filed return: Subpoena Duces Tecum
Party Served: Kennecott Utah Copper
Service Type: NonPersonal
Service Date: October 11, 2000
10-19-00 Filed: Stipulation
10-19-00 Filed order: Findings of Fact and Conclusions of Law
Judge aschofie
Signed October 19, 2000
10-19-00 Filed judgment: Decree of Divorce

Printed: 04/13/06 12:00:27

Page 14

CASE NUMBER 994402757 Divorce/Annulment

Judge aschofie
Signed October 19, 2000
10-19-00 Case Disposition is Granted
Disposition Judge is ANTHONY W. SCHOFIELD
10-19-00 Judgment #1 Modified
Debtor: SIONE LIMIHAI LATU
Creditor: VAI I LATU
4,834.18 Total Judgment

4,834.18 Judgment Grand Total
10-30-00 Filed: Notice of Entry of Decree of Divorce
10-31-00 Filed: Notice of Withdrawal of Counsel
11-17-00 Fee Account created Total Due: 3.00
11-17-00 COPY FEE Payment Received: 3.00
11-28-00 Filed: Request for Copy of Audio Tape
12-07-00 Filed: Tape Request Complete
12-07-00 Filed: Lori Lee has picked up video tape
12-21-00 Filed: Letter from Kika Latu
12-21-00 Filed: Letter from Sili Latu
12-21-00 Filed: Letter from Kina Latu
12-21-00 Filed: Letter from Wayne Latu
12-21-00 Filed: Letter from Nia Latu
01-03-01 Minute Entry - MINUTE ENTRY
 Judge: ANTHONY W. SCHOFIELD
 Clerk: carissal
 The Court has received unsolicited letters from Wayne, Kina, Sili,
 Nia, and Kika, each asking to have custody changed to their father.
 The Court will take no present action with respect to these
 requests, but notifies the parties and the children's Guardian ad
 Litem that these letters have been received.

Judge ANTHONY W. SCHOFIELD

01-16-01 Filed: Minute Entry Returned, Re-sent to new address 1/17/01
01-19-01 Filed: Motion and Affidavit of Guardian ad Litem Attorney Fees
01-29-01 Filed order: Motion to Release Guardian Ad Litem and Order
 Judge aschofie
 Signed January 29, 2001
01-29-01 ORDER TO SHOW CAUSE scheduled on February 16, 2001 at 09:00 AM
 in Fourth floor, Rm 401 with Judge SCHOFIELD.
01-29-01 Note: Leann Meyer, Lorie Fowlke's secretary, called to get an
 OSC date.
02-08-01 Filed: Motion for Order to Show Cause
02-08-01 Filed: Affidavit of Respondent in Support of Motion for Order
 to Show Cause
02-08-01 Fee Account created Total Due: 4.50
02-08-01 COPY FEE Payment Received: 4.50

Printed: 04/13/06 12:00:30 Page 15

CASE NUMBER 994402757 Divorce/Annulment

02-08-01 Issued: Order to Show Cause
 Clerk sylviag
 Hearing Date: February 16, 2001 Time: 09:00
02-12-01 Fee Account created Total Due: 2.25
02-12-01 COPY FEE Payment Received: 2.25
02-13-01 Note: At the request of Lorie Fowlke's secretary, this matter
 is continued.
02-13-01 ORDER TO SHOW CAUSE rescheduled on February 27, 2001 at 09:00
 AM Reason: Counsel's request..

02-14-01 Filed: Affidavit of Anglea Bussio
02-14-01 Filed: Mailing Certificate
02-22-01 Filed: Amended Motion and Affidavit of Guardian Ad Litem
Attorneys Fees
02-23-01 Filed: Copy of Letter from Michael Black to Kelly Frye
02-26-01 Note: At the request of Gary Weight and Lorie Fowlke, by a
phone conference, this matter is continued.
02-26-01 ORDER TO SHOW CAUSE scheduled on March 20, 2001 at 01:30 PM in
Fourth floor, Rm 401 with Judge SCHOFIELD.
02-27-01 Filed: Notice of Continuance of Order to Show Cause
03-01-01 Filed return: Order to Show Cause
Party Served: LATU, SIONE LIMIHAI
Service Type: Personal
Service Date: February 22, 2001
03-06-01 Filed: Memorandum in Objection to Guardian Ad Litem Amended
Motion and Affidavit of Guardian Ad Litem Attorney Fees
03-06-01 Filed: Affidavit of Dr Eric I Tidwell DDS
03-20-01 Minute Entry - Minutes for Order to Show Cause
Judge: ANTHONY W. SCHOFIELD
Clerk: carissal
PRESENT

Petitioner's Attorney: GARY WEIGHT
Petitioner(s): SIONE LIMIHAI LATU
Attorney for the Respondent: LORIE D FOWLKE
Respondent(s): VAI I LATU
Video
Tape Number: 35 Tape Count: 01:38pm

HEARING

Ms. Fowlke presents the partial stipulation on the record. Mr. Weight agrees.

The Court orders both parties to cooperate with Dr. Jensen. Both parties are to encourage their children to cooperate with Dr. Jensen also.

The parties will split the costs of Dr. Jensen equally. This case is set for an Evidentiary hearing. Ms. Fowlke is to prepare the

Printed: 04/13/06 12:00:35

Page 16

CASE NUMBER 994402757 Divorce/Annulment

order.

EVIDENTIARY HEARING is scheduled.

Date: 04/12/2001

Time: 02:30 p.m.

Location: Fourth floor, Rm 401

FOURTH DISTRICT COURT

125 N 100 W

PROVO, UT 84601

Before Judge: ANTHONY W. SCHOFIELD

03-20-01 EVIDENTIARY HEARING scheduled on April 12, 2001 at 02:30 PM in

Fourth floor, Rm 401 with Judge SCHOFIELD.
03-26-01 Filed: Mailing Certificate
04-05-01 Filed order: Order
 Judge aschofie
 Signed April 05, 2001
04-09-01 Filed: Counter Affidavit
04-12-01 Filed return: Subpoena to appear at trial
 Party Served: Kevin Marrett
 Service Type: Personal
 Service Date: April 02, 2001
04-12-01 Filed: Exhibit List
04-12-01 Minute Entry - Minutes for EVIDENTIARY HEARING
 Judge: ANTHONY W. SCHOFIELD
 Clerk: jennyc
 PRESENT

Petitioner's Attorney: GARY WEIGHT
Petitioner(s): SIONE LIMIHAI LATU
Attorney for the Respondent: LORIE D FOWLKE
Respondent(s): VAI I LATU
Video
Tape Number: 39 Tape Count: 2:38pm

HEARING

Ms. Fowlke addresses. Mr. Weight addresses. There is discussion on the unresolved issues. The appointment of the Guardian Ad Litem is ordered. Ms. Fowlke addresses.

COUNT: 2:48pm

Dr. Kevin Marett is called and testified by Ms. Fowlke. Cross by Mr. Weight. The witness is excused.

COUNT: 2:59pm

Laurel Hirst is called and testified by Ms. Fowlke. Cross by Mr. Weight. The witness is excused.

COUNT: 3:03pm

Dixie Grosskopf is called and testified by Ms. Fowlke. The witness is excused.

Printed: 04/13/06 12:00:38

Page 17

CASE NUMBER 994402757 Divorce/Annulment

COUNT: 3:07pm

Vai Latu is called and testified by Ms. Fowlke. A short recess is taken.

COUNT: 4:00pm

Court re-adjourns. Ms. Latu returns to the stand. Ms. Fowlke continues direct. Mr. Weight cross examines. Re-direct by Ms. Fowlke. Ms. Latu is excused.

COUNT: 4:24pm

Sione Latu Limihai Latu is called and testified by Ms. Fowlke. Cross examination by Mr. Weight. Re-direct by Ms. Fowlke. Mr. Latu is excused.

COUNT: 5:23pm

Closing arguments by Ms. Fowlke. Closing by Mr. Weight. Ms. Fowlke responds.

The Court orders the appointment of the Guardian ad Litem, each party to cooperate in accordance with Dr. Jensen. The minors are to be in the counseling until dismissed. Each parent to support the counseling.

the health insurance to help pay. Ms. Latu is to go to parenting counseling as well as Mr. Latu. Custody will not be changed. The parents are to support the relationship between the other parent and the children.

There is not adequate information to rule on the financial issues. The Harp is to be returned. Mr. Latu is to make a regular payment not less than \$100 toward arrearage. Visitation may take place one evening per week and every other weekend.

Each party is to pay their debts as per the Decree. Mr. Latu should notify the creditors in writing to contact him and not Ms. Latu. Attorneys fees for today, each party to bear their own costs. Ms. Fowlke is to prepare the appropriate order.

04-12-01 Filed: Letter from Jay Jensen to the Judge (confidential)

04-20-01 Received: April 20, 2001

Container: 2 ENVS Location: VAULT

04-20-01 Tracking started for Exhibit. Review date Aug 20, 2001.

04-25-01 Filed: Mailing Certificate

04-27-01 Filed order: Order on Order to Show Cause in Re Contempt

Judge shansen

Signed April 27, 2001

05-18-01 Filed order: Order on Order to Show Cause

Judge aschofie

Signed May 18, 2001

05-21-01 Fee Account created Total Due: 2.00

05-21-01 Fee Account created Total Due: 2.00

05-21-01 CERTIFIED COPIES Payment Received: 2.00

05-21-01 CERTIFICATION Payment Received: 2.00

05-22-01 Filed: Notice of Order on Order to Show Cause

05-22-01 Filed: Mailing Certificate

05-31-01 Filed order: Order on Order to Show Cause (April 12, 2001)

Judge aschofie

Printed: 04/13/06 12:00:39

Page 18

CASE NUMBER 994402757 Divorce/Annulment

Signed May 31, 2001

08-06-01 Filed: Center for Personal and Career Development Certificate
of Parenting Skills Class for Vai Latu

09-28-01 Filed: Orders on Review and Motions

10-09-01 Filed: Petition for Modification of Decree of Divore

10-09-01 Fee Account created Total Due: 30.00

10-09-01 DIVORCE MODIFICATION Payment Received: 30.00

Note: Code Description: DIVORCE MODIFICATION

10-12-01 ORDER TO SHOW CAUSE scheduled on November 13, 2001 at 08:45 AM
in Fourth floor, Rm 401 with Judge SCHOFIELD.

10-15-01 Filed return: SUMMONS

Party Served: LATU, VAI I

Service Type: Personal
Service Date: October 13, 2001
10-22-01 ORDER TO SHOW CAUSE rescheduled on November 06, 2001 at 08:15
AM Reason: Counsel's request..
10-30-01 Filed: Motion for Order to Show Cause
10-30-01 Filed: Affidavit in Support of Motion for Order to Show Cause
10-30-01 Issued: Order to Show Cause
Judge ANTHONY W. SCHOFIELD
Hearing Date: November 06, 2001 Time: 08:15
10-31-01 Filed: Mailing Certificate
10-31-01 Filed: Answer to Petition for Modification of Decree of Divorce
VAI I LATU

10-31-01 Filed: Order to Show Cause (Mailing Certificate)
11-06-01 Minute Entry - Minutes for Order to Show Cause
Judge: ANTHONY W. SCHOFIELD
Clerk: jennyc
PRESENT

Petitioner's Attorney: GARY H. WEIGHT
Petitioner(s): SIONE LIMIHAI LATU
Attorney for the Intervenor: ALAN B SEVISON
Attorney for the minor: PAUL WALDRON
Video
Tape Number: 67 Tape Count: 8:25am

HEARING

Mr. Weight addresses. Mr. Waldron addresses. Discussion ensues.
A half day evidentiary hearing is scheduled. Mr. Sevison
addresses. It is ordered that the protective supervision from DCFS
be closed, Mr. Sevison is excused.

Mr. Waldron addresses and requests that the children be able to
address the court. They are not prepared to do so at this time but
may at the next hearing if they wish.

Printed: 04/13/06 12:00:43 Page 19

CASE NUMBER 994402757 Divorce/Annulment

EVIDENTIARY HEARING is scheduled.

Date: 01/04/2002

Time: 01:30 p.m.

Location: Fourth floor, Rm 401
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601

Before Judge: ANTHONY W. SCHOFIELD

11-06-01 EVIDENTIARY HEARING scheduled on January 04, 2002 at 01:30 PM
in Fourth floor, Rm 401 with Judge SCHOFIELD.
11-07-01 Filed: Response to Motion for Order to Show Cause
11-07-01 Filed: Motion to Appoint Custody Evaluator
11-07-01 Filed: Motion to Appoint Custody Evaluator

11-07-01 Filed: Income Verification (Slone)
11-15-01 Tracking - Exhibit, changed to Review date Mar 20, 2002.
11-16-01 Filed: Certificate of Service
11-20-01 Filed: Motion for Order to Show Cause
11-20-01 Filed: Affidavit in Support of Motion for Order to Show Cause
11-20-01 Issued: Order to Show Cause
 Judge ANTHONY W. SCHOFIELD
 Hearing Date: January 04, 2002 Time: 13:30
11-28-01 Filed: Mailing Certificate
12-03-01 Filed: Motion to Dismiss Petition to Modify
12-03-01 Filed: Mailing Certificate
12-03-01 Filed: Memorandum in Objection to Motion to Appoint Custody
 Evaluator and in Support of Motion to Dismiss
12-04-01 Filed return: Trial Subpoena
 Party Served: Casey Christopherson--
 Service Type: Personal
 Service Date: November 27, 2001
12-06-01 Filed return: Trial Subpoena
 Party Served: Kayleen Jensen
 Service Type: Personal
 Service Date: November 28, 2001
12-11-01 Filed: Certificate of Service (Discovery)
12-11-01 Filed: Motion and Memorandum in Support of Motion for Release
 of Guardian ad Litem
12-17-01 Filed: Counter-Affidavit
12-19-01 Note: An order releasing guardian ad litem and vacating
 guardian ad litem's order to show cause was submitted for
 signature, it will be held until a request for ruling is filed.
12-24-01 Filed: Notice to Submit for Decision
01-02-02 Filed: Response to Motion to Dismiss Verified Petition
01-03-02 Filed order: Order Releasing Guardian Ad Litem and Vacating
 Guardian Ad Litem's Order to Show Cause
 Judge aschofie
 Signed January 03, 2002
01-04-02 Minute Entry - Minutes for EVIDENTIARY HEARING
 Judge: ANTHONY W. SCHOFIELD

Printed: 04/13/06 12:00:44

Page 20

CASE NUMBER 994402757 Divorce/Annulment

Clerk: wendyw
PRESENT

Petitioner's Attorney: GARY H WEIGHT
Petitioner(s): SIONE LIMIHAI LATU
Attorney for the Intervenor: ALAN B SEVISON
Attorney for the Respondent: LORIE D FOWLKE
Respondent(s): VAI I LATU
Video
Tape Number: 0001 Tape Count: 1:32

HEARING

TAPE: 0001 COUNT: 1:32

This matter comes before the Court on Respondent's Order to Show Cause. Ms Fowlke addresses the Court. Mr Weight addresses. The Court receives exhibit 1. Ms Fowlke calls Gary Gerbich case worker with ORS. Exhibit 2 received. Mr Weight cross-examines

Ms Fowlke re-direct. Mr Weight re-cross.

Ms Fowlke calls Kaydene Jensen. Ms Jensen testifies under direct examination by Ms Fowlke. Mr Weight cross-examines. Ms Fowlke re-direct. Mr Weight re-cross.

Ms Fowlke calls Casey Christopherson case worker with DCFS. Alan B. Sevison, special counsel for DCFS, requests that Mr Christopherson's testimony be sealed. The Court orders Mr Christopherson's testimony and any exhibits in connection with it be sealed

Ms Fowlke examines Mr Christopherson. Exhibit 3 is received. Mr Weight cross-examines. Ms Fowlke re-direct. Mr. Weight re-cross. Ms Fowlke re-cross. Mr Christopherson is excused.

Ms Fowlke calls Vai Latu. Ms Fowlke examines Ms Latu. Court receives exhibits 4,5,6,8. No cross-examination.

Ms Fowlke submits affidavit of attorney fees.

Mr Weight calls Limhi Latu. Mr Latu testifies under direct examination by Mr. Weight. Ms Fowlke cross-examines.

Ms Fowlke makes closing argument. Mr Weight makes closing argument. Ms Fowlke rebuts. The Court takes the matter under advisement. The Court recesses.

COUNT: 4:17

Court reconvenes. The Court finds Mr. Latu in contempt on the issue of property taxes. The Court orders that the children receive the best dental treatment available for the insurance coverage. The Court finds that Mr Latu has impeded the children's counseling and their relationship with their father. The Court rules that the children must be in counseling within thirty days or Mr. Latu will be sentenced to ten days in the Utah County Jail. The Court awards Ms Fowlke's attorney fees as sanction for

Printed: 04/13/06 12:00:46

Page 21

CASE NUMBER 994402757 Divorce/Annulment

contempt of court.

01-07-02 Filed: Order to Show Cause

01-07-02 Filed: Affidavit of Attorney's Fees

01-07-02 Filed: Exhibit List

01-10-02 Filed: Notice to Submit for Decision

01-10-02 Filed: Mailing Certificate

01-14-02 Filed: Memorandum in Reply to "Response to Motion to Dismiss Verified Petition"

01-14-02 Filed: Notice to Submit for Decision

01-15-02 Filed order: Order on Order to Show Cause in Re Contempt and Judgment

Judge aschofie

Signed January 15, 2002

01-17-02 Notice - NOTICE for Case 994402757 ID 1262803

ORAL ARGUMENTS is scheduled.

Date: 02/08/2002
Time: 02:30 p.m.
Location: Fourth floor, Rm 401
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601

Before Judge: ANTHONY W. SCHOFIELD

A notice to submit has been filed in this case, the matter is being scheduled for oral arguments on the motion to dismiss.

01-17-02 ORAL ARGUMENTS scheduled on February 08, 2002 at 02:30 PM in
Fourth floor, Rm 401 with Judge SCHOFIELD.
01-22-02 Filed: Motion to Continue Oral Arguments (February 8, . 2002)
01-22-02 Filed: Mailing Certificate
01-23-02 Filed order: Order Continuing Oral Arguments (February 8, 2002)
Judge aschofie
Signed January 23, 2002
01-24-02 Judgment #2 Entered
Debtor: SIONE LIMIHAI LATU
Creditor: VAI I LATU
4,193.16 Total Judgment
4,193.16 Judgment Grand Total
01-24-02 Filed judgment: Order on Order to Show Cause in Re Contempt and
Judgment
Judge aschofie
Signed January 24, 2002
01-25-02 ORAL ARGUMENTS rescheduled on February 25, 2002 at 11:15 AM
Reason: Counsel's request..
01-29-02 Filed: Notice of Entry of Order on Order to Show Cause in Re
Contempt and Judgment
02-25-02 Filed: Affidavit of Lorie D Fowlke
02-25-02 Minute Entry - Minutes for ORAL ARGUMENTS
Judge: ANTHONY W. SCHOFIELD
Clerk: jennyc

Printed: 04/13/06 12:00:50

Page 22

CASE NUMBER 994402757 Divorce/Annulment

PRESENT

Petitioner's Attorney: GARY H WEIGHT
Attorney for the Respondent: LORIE D FOWLKE
Respondent(s): VAI I LATU
Video
Tape Number: 9 Tape Count: 11:25am

HEARING

Ms. Fowlke addresses. Mr. Weight addresses. Ms. Fowlke responds.
A recess is taken for a ruling.

COUNT: 11:57a
Court convenes. The Judge addresses. The petition to modify is

ordered dismissed, Mr. Latu is not in compliance with an order of the court. The children are in need of therapy. Mr. Latu needs clear his contempt before asking for any other relief.

Ms. Fowlke will prepare an appropriate order.

03-01-02 Filed: Mailing Certificate

03-12-02 Filed: Mailing Certificate

03-14-02 Filed order: Findings of Fact and Conclusions of Law

Judge aschofie

Signed March 14, 2002

03-14-02 Filed order: Order of Dismissal of Petitioners Petition to Modify

Judge aschofie

Signed March 14, 2002

03-22-02 Filed: Notice of Entry of Order of Dismissal of Petitioner's Petition to Modify

07-02-02 Filed: State's Ex Parte Motion to Intervene

07-05-02 Filed order: Order (Intervene)

Judge aschofie

Signed July 05, 2002

07-08-02 Filed order: Order to Intervene

Judge ldavis

Signed July 08, 2002

09-06-02 Filed: Notice of Withdrawal of Counsel

11-18-02 Filed: Notice of Records Deposition

11-27-02 Filed return: Subpoena Duces Tecum (Kennecott Utah Copper Corporation)

Party Served: Debbie Ginnett

Service Type: Personal

Service Date: November 19, 2002

01-10-03 Issued: Order to Show Cause

Judge CLAUDIA LAYCOCK

Hearing Date: January 23, 2003 Time: 08:45

01-10-03 Filed: Motion for Order to Show Cause

Printed: 04/13/06 12:00:50

Page 23

CASE NUMBER 994402757 Divorce/Annulment

01-10-03 Filed: Affidavit in Support of Motion for Order to Show Cause

01-10-03 ORDER TO SHOW CAUSE scheduled on January 23, 2003 at 08:45 AM in Check daily calendar with Judge STOTT.

01-21-03 Filed return: Order to Show Cause

Party Served: LATU, SIONE LIMIHAI

Service Type: Personal

Service Date: January 13, 2003

01-23-03 Minute Entry - Minutes for Order to Show Cause

Judge: GARY D. STOTT

Clerk: keris

PRESENT

Attorney for the Respondent: LORIE D FOWLKE

Respondent(s): VAI I LATU

Video

Tape Number: GDS 2 Tape Count: 8:45

HEARING

This matter comes before the Court for an order to show cause. Sione Latu fails to appear. Ms. Fowlke proffers the issues in controversy. Exhibit 1 is marked, identified, offered and received.

The Court finds Sione Latu has failed to comply with the previous orders, and notes proof of service in the file. The Court finds Mr. Latu in contempt, grants attorney's fees (to be established by affidavit), and grants the judgment of \$5460.54.

As to the finding of contempt, the Court sanctions Mr. Latu to 45 days in the Utah County Jail. He may purge himself of the contempt finding by performing the following: 1. Producing evidence to the Court that the beneficiary on the life insurance has been changed. 2. Producing evidence to the Court that a petition has been filed requesting disability benefits, which shall be directed to the children. 3. Paying the full amount of child support for September to December 2002, and January 2003.

Once Mr. Latu has fulfilled the Court's order, then he may be released from the Utah County Jail. Otherwise, he will serve the full 45 days. A warrant of arrest, nonbailable, is authorized.

Ms. Fowlke is to prepare today's order. A review hearing is set for 3/28/03 at 8:30 am.

REVIEW HEARING is scheduled.

Date: 03/28/2003

Time: 08:30 a.m.

Location: Check daily calendar
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601

Printed: 04/13/06 12:00:52

Page 24

CASE NUMBER 994402757 Divorce/Annulment

Before Judge: GARY D. STOTT

01-23-03 Minute Entry - ORDER OF CONTEMPT

Judge: ANTHONY W. SCHOFIELD

Clerk: keris

The Court has found the petitioner, Mr. Sione Latu, in contempt for failing to comply with the Court's order. Mr. Latu is sanctioned to spend 45 days in the Utah County Jail. He may be released only if he completes the following: 1. Producing evidence to the Court that the beneficiary on the life insurance has been changed. 2. Producing evidence to the Court that a petition for disability benefits has been filed, with such benefits going to the children. 3. Paying the full amount of child support for September to December 2002, and January 2003. If he fails to complete the above, then he will spend the full 45 days incarcerated.

01-23-03 REVIEW HEARING scheduled on March 28, 2003 at 08:30 AM in Check
daily calendar with Judge STOTT.
01-23-03 Filed return: Trial Subpoena
Party Served: ORS
Service Type: Personal
Service Date: January 15, 2003
01-27-03 Filed: Letter from Limihai Latu
01-29-03 Filed: Affidavit of Attorney's Fees
01-29-03 Filed: Mailing Certificate
01-30-03 Filed: Mailing Certificate
02-10-03 Judgment #3 Entered
Debtor: SIONE LIMIHAI LATU
Creditor: VAI I LATU
5,460.54 Child Support Arrearage to Mother
629.06 Attorneys Fees
6,089.60 Judgment Grand Total
02-10-03 Filed judgment: Order in Re Contempt
Judge gstott
Signed February 07, 2003
02-25-03 Judge STOTT assigned.
03-07-03 Notice - NOTICE for Case 994402757 ID 1507610
REVIEW HEARING.
Date: 04/02/2003
Time: 08:30 a.m.
Location: Check daily calendar
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: GARY D. STOTT

Printed: 04/13/06 12:00:58

Page 25

CASE NUMBER 994402757 Divorce/Annulment

The reason for the change is Conflict in Court's schedule.
03-07-03 REVIEW HEARING rescheduled on April 02, 2003 at 08:30 AM
Reason: Conflict in Court's schedule..
03-17-03 Filed: Return Mail <Sione Latu>
04-02-03 Minute Entry - Minutes for Review Hearing
Judge: GARY D. STOTT
Clerk: keris
PRESENT

Petitioner's Attorney: GARY WEIGHT
Petitioner(s): SIONE LIMIHAI LATU
Attorney for the Respondent: LORIE D FOWLKE
Respondent(s): VAI I LATU
Video
Tape Number: GDS 12 Tape Count: 9:09

HEARING

Judge ANTHONY W. SCHOFIELD

01-23-03 REVIEW HEARING scheduled on March 28, 2003 at 08:30 AM in Check
daily calendar with Judge STOTT.
01-23-03 Filed return: Trial Subpoena
Party Served: ORS
Service Type: Personal
Service Date: January 15, 2003
01-27-03 Filed: Letter from Limihai Latu
01-29-03 Filed: Affidavit of Attorney's Fees
01-29-03 Filed: Mailing Certificate
01-30-03 Filed: Mailing Certificate
02-10-03 Judgment #3 Entered
Debtor: SIONE LIMIHAI LATU
Creditor: VAI I LATU
5,460.54 Child Support Arrearage to Mother
629.06 Attorneys Fees
6,089.60 Judgment Grand Total
02-10-03 Filed judgment: Order in Re Contempt
Judge gstott
Signed February 07, 2003
02-25-03 Judge STOTT assigned.
03-07-03 Notice - NOTICE for Case 994402757 ID 1507610
REVIEW HEARING.
Date: 04/02/2003
Time: 08:30 a.m.
Location: Check daily calendar
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: GARY D. STOTT

Printed: 04/13/06 12:00:58

Page 25

CASE NUMBER 994402757 Divorce/Annulment

The reason for the change is Conflict in Court's schedule.
03-07-03 REVIEW HEARING rescheduled on April 02, 2003 at 08:30 AM
Reason: Conflict in Court's schedule..
03-17-03 Filed: Return Mail <Sione Latu>
04-02-03 Minute Entry - Minutes for Review Hearing
Judge: GARY D. STOTT
Clerk: keris
PRESENT

Petitioner's Attorney: GARY WEIGHT
Petitioner(s): SIONE LIMIHAI LATU
Attorney for the Respondent: LORIE D FOWLKE
Respondent(s): VAI I LATU
Video
Tape Number: GDS 12 Tape Count: 9:09

HEARING

This matter comes before the Court for a review hearing. Mr. Weight indicates the status of the case. Ms. Fowlke in response. The Court finds that Mr. Latu is in compliance with the court's order. No order for today is necessary. The parties are admonished to stay in compliance.

08-25-03 Filed: Motion for Order to Show Cause in Re Contempt

08-25-03 Filed: Affidavit in Support of Motion for Order to Show Cause

08-26-03 Issued: Order to Show Cause

Judge GARY D STOTT

Hearing Date: September 03, 2003 Time: 13:00

08-27-03 ORDER TO SHOW CAUSE scheduled on September 03, 2003 at 01:00 PM in Third floor, Rm 303 with Judge STOTT.

08-28-03 Filed: Notice of Records Deposition

08-28-03 Filed: Mailing Certificate

09-02-03 Filed return: Subpoena Duces Tecum

Party Served: Cindy Spivey, managing agent

Service Type: Personal

Service Date: August 27, 2003

09-03-03 Notice - NOTICE for Case 994402757 ID 1620799

ORDER TO SHOW CAUSE.

Date: 09/29/2003

Time: 11:00 a.m.

Location: Third floor, Rm 303

FOURTH DISTRICT COURT

125 N 100 W

PROVO, UT 84601

Before Judge: GARY D. STOTT

The reason for the change is Conflict in attorney schedule

09-03-03 ORDER TO SHOW CAUSE rescheduled on September 29, 2003 at 11:00

Printed: 04/13/06 12:01:05

Page 26

CASE NUMBER 994402757 Divorce/Annulment

AM Reason: Conflict in attorney schedule.

09-03-03 Filed return: Order to Show Cause

Party Served: LATU, SIONE LIMIHAI

Service Type: Personal

Service Date: August 29, 2003

09-10-03 Filed: Notice of Continuance of Order to Show Cause

09-22-03 Notice - NOTICE for Case 994402757 ID 1632890

ORDER TO SHOW CAUSE.

Date: 10/01/2003

Time: 09:00 a.m.

Location: Fourth floor, Rm 403

FOURTH DISTRICT COURT

125 N 100 W

PROVO, UT 84601

Before Judge: GARY D. STOTT

The reason for the change is Conflict in Court's schedule.

09-22-03 ORDER TO SHOW CAUSE scheduled on October 01, 2003 at 09:00 AM in Fourth floor, Rm 403 with Judge STOTT.

09-30-03 ORDER TO SHOW CAUSE scheduled on October 23, 2003 at 11:00 AM in Fourth floor, Rm 402 with Commissioner PATTON.

10-01-03 Minute Entry - Minutes for Order to Show Cause

Judge: GARY D. STOTT

Clerk: marilynn

PRESENT

Petitioner's Attorney: GARY H WEIGHT

Petitioner(s): SIONE LIMIHAI LATU

Attorney for the Respondent: LORIE D FOWLKE

Respondent(s): VAI I LATU

Video

Tape Number: 38 Tape Count: 9:13

HEARING

TAPE: 38 COUNT: 9:13

This matter comes before the Court for an order to show cause hearing. Gary Weight appears with the petitioner, Sione Latu. Vai Latu, respondent, is present with attorney, Lorie Fowlke.

Ms Fowlke requests that the minor child present in the courtroom be asked to leave; the Court so orders.

Ms Fowlke addresses the issues being brought before the Court this day.

Mr Weight responds bringing to the Court's attention the absence of a representative from the Office of Recovery Service. The Court informs Mr Weight that ORS's absence is not an issue today. Mr Weight continues addressing the issue of contempt.

The Court finds that Mr Latu is in violation of the Court's order

Printed: 04/13/06 12:01:08

Page 27

CASE NUMBER 994402757 Divorce/Annulment

regarding the custody of the minor child and in contempt for failure to make payment on the judgment. With the finding of contempt, Mr Latu may purge himself of the contempt charges by:

1) remaining current with the child support payments, 2) making payment of \$100 on the judgment on or before 10/10/03, and 3) returning the daughter to the custody of her mother by 5:00 pm today. If he fails to do so, a warrant for ten days at the Utah County Jail will issue.

A review date is set for January 13, 2004 at 8:30 am.

Mr Weight and Ms Fowlke may both file pleadings. Temporary relief is denied regarding custody. Ms Fowlke is awarded attorneys fees for today to be submitted by affidavit.

The Court requests that the minor child return to the courtroom where she is questioned by the Court and informed today's order of the Court regarding her custody.

REVIEW HEARING is scheduled.

Date: 01/13/2004

Time: 08:30 a.m.

Location: Fourth floor, Rm 403

FOURTH DISTRICT COURT

125 N 100 W

PROVO, UT 84601
before Judge GARY D. STOTT
10-01-03 Notice - NOTICE for Case 994402757 ID 1639141
REVIEW HEARING is scheduled.
Date: 01/13/2004
Time: 08:30 a.m.
Location: Fourth floor, Rm 403
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
before Judge GARY D. STOTT
10-01-03 REVIEW HEARING scheduled on January 13, 2004 at 08:30 AM in
Fourth floor, Rm 403 with Judge STOTT.
10-06-03 Filed: Affidavit of Attorney's Fees
10-06-03 Filed: Mailing Certificate
10-15-03 Filed: Verified Petition for Modification of Decree of Divorce
10-15-03 Fee Account created Total Due: 40.00
10-15-03 DIVORCE MODIFICATION Payment Received: 40.00
Note: Code Description: DIVORCE MODIFICATION
10-24-03 Filed return: 20-Day Summons
Party Served: LATU, VAI I
Service Type: Personal
Service Date: October 20, 2003
10-27-03 Filed return: 20-Day Summons
Party Served: Sili Latu (Daughter)
Service Type: Personal
Service Date: October 20, 2003
10-28-03 Filed order: Order on Order to Show Cause in Re: Contempt

Printed: 04/13/06 12:01:09 Page 28

CASE NUMBER 994402757 Divorce/Annulment

(Hearing October 1, 2003)
Judge gstott
Signed October 28, 2003
11-05-03 Filed: Notice of Entry of Order on Order to Show Cause Re:
Contempt (Hearing October 1, 2003)
11-10-03 Filed: Memorandum of Points and Authorities in Support of
Motion to Dismiss
12-03-03 Filed: Response to Motion to Dismiss
12-09-03 Filed: Notice to Submit for Decision
12-10-03 Filed: Objection to Notice to Submit for Decision
12-10-03 Filed: Affidavit of Attorney's Fees
12-15-03 Filed: Request for Oral Arguments
12-15-03 Filed: Memorandum in Reply to Response to Motion to Dismiss
01-13-04 Minute Entry - Minutes for Review Hearing
Judge: GARY D. STOTT
Clerk: keris
PRESENT

Petitioner's Attorney: GARY H WEIGHT
Petitioner(s): SIONE LIMIHAI LATU
Attorney for the Respondent: LORIE D FOWLKE
Respondent(s): VAI I LATU

Video

Tape Number: GDS 1 Tape Count: 8:47

HEARING

This matter comes before the Court for a review hearing. The Court addresses counsel regarding Mr. Latu's petition to modify. Mr. Weight and Ms. Fowlke in response.

Mr. Weight addresses the issues before the Court for review. Ms. Fowlke in response. Mr. Weight in rebuttal.

Based on counsel's statements, the Court finds that Mr. Latu is in compliance with the conditions created at the last hearing to purge his contempt sanctions. Those sanctions will not be imposed. The Court also finds no evidence that Mr. Latu has

complied with Judge Schofield's order, so his petition to modify will not be addressed. Ms. Fowlke is asked to prepare today's order.

01-15-04	Fee Account created	Total Due:	15.00
01-15-04	VIDEO TAPE COPY	Payment Received:	15.00
01-15-04	Filed: Mailing Certificate		
01-15-04	Filed: Mailing Certificate		
01-20-04	Filed: Request for Video/Audio Tape -- Completed 1/20/04		
01-26-04	Filed: Notice of Intent to Submit for Signature		
01-26-04	Filed: Mailing Certificate		
01-26-04	Filed: Notice of Intent to Submit for Signature		

Printed: 04/13/06 12:01:11

Page 29

CASE NUMBER 994402757 Divorce/Annulment

01-26-04 Filed: Mailing Certificate

03-03-04 Filed order: Order on Review
Judge gstott
Signed March 03, 2004

03-03-04 Filed order: Order of Dismissal (Petition to Modify only)
Judge gstott
Signed March 03, 2004

03-04-04 Judgment #4 Entered
Debtor: SIONE LIMIHAI LATU
Creditor: VAI I LATU
175.00 Attorneys Fees
175.00 Judgment Grand Total

03-04-04 Filed judgment: Order Striking Notice to Submit and Awarding Attorneys Fees
Judge gstott
Signed March 03, 2004

03-09-04 Filed: Notice of Withdrawal of Counsel for Petitioner . Gary Weight

03-18-04 Filed: Notice To Appear Or Appoint

06-07-04 Filed: Motion to Amend Decree

06-07-04 Filed: Memorandum in Support of Motion to Amend Decree

06-07-04 Filed: Affidavit of Vai Latu in Support of Motion to Amend Decree'

07-15-04 Filed: Notice to Submit
07-27-04 Filed return: Mailing Certificate (Response to Motion to Amend Decree, Response to Memorandum in Support, and Affidavit of Sione Limihai Latu)
Party Served: FOWLKE, LORIE D
Service Type: Mail
Service Date: July 27, 2004
07-27-04 Filed: Response to Motion to Amend Decree
SIONE LIMIHAI LATU
July 27, 2004
07-27-04 Filed: Memorandum in Support of Motion to Amend Whole Decree
07-27-04 Filed: Affidavit of Limihai Latu in Support of Motion to Amend Entire Decree on Ground of Fraud and Dismiss Single Issue Amendment
07-28-04 Filed: Response to Notice to Submit
08-04-04 Filed: MINUTE ENTRY
08-30-04 Filed: Memorandum in Reply to Petitioner's Response to Motion to Amend Decree
08-30-04 Filed: Supplemental Affidavit of Vai Latu in Support of Motion to Amend Decree
08-30-04 Filed: Notice to Submit
09-20-04 Filed order: RULING
Judge gstott
Signed September 20, 2004
12-31-04 Judge SCHOFIELD assigned.
01-06-05 Filed: Petition to Modify Support Order

Printed: 04/13/06 12:01:12 Page 30

CASE NUMBER 994402757 Divorce/Annulment

01-06-05 Filed: Stipulation to Modify Support Order
01-14-05 Filed order: Order Modifying Support Order
Judge deyre
Signed January 14, 2005
01-21-05 Filed: Notice of Entry of Order
04-08-05 ORDER TO SHOW CAUSE scheduled on May 02, 2005 at 10:00 AM in Third floor, Rm 303 with Commissioner PATTON.
04-19-05 Filed: Motion for Order to Show Cause
04-19-05 Issued: Order to Show Cause
Judge ANTHONY W. SCHOFIELD
Hearing Date: May 02, 2005 Time: 10:00
04-26-05 ORDER TO SHOW CAUSE rescheduled on May 17, 2005 at 02:00 PM
Reason: Conflict in attorney schedule.
04-29-05 Filed: Affidavit of Vai Latu in Support of Motion for Order to Show Cause
05-13-05 Filed return: Order to Show Cause
Party Served: LATU, SIONE LIMIHAI
Service Type: Personal
Service Date: May 05, 2005
05-17-05 Filed: Notice of Continuance to 6/7/05 @ 9:00
05-17-05 Minute Entry - Minutes for ORDER OF RECUSAL
Commissioner: THOMAS PATTON
Clerk: emilyp
Audio

Tape Number: 05 21 303

HEARING

TAPE: 05 21 303 Neither party is present, this matter is stricken. The Court finds the it used to represent one of the parties and therefore recuses from this case.

05-18-05 ORDER TO SHOW CAUSE scheduled on June 07, 2005 at 09:00 AM in Third floor, Rm 303 with Commissioner PATTON.

05-23-05 ORDER TO SHOW CAUSE Cancelled.
Reason: Change Judge assignment.

05-24-05 Filed: Notice of Continuance

06-03-05 ORDER TO SHOW CAUSE scheduled on June 14, 2005 at 02:00 PM in Fourth floor, Rm 401 with Judge SCHOFIELD.

06-08-05 Note: ORDER TO SHOW CAUSE calendar modified. Judge assignment changed from PATTON, THOMAS to SCHOFIELD, ANTHONY W. .
Appearance on 6/14/05. Reason: Correct calendar

06-13-05 ORDER TO SHOW CAUSE rescheduled on June 23, 2005 at 01:00 PM
Reason: Counsel's request..

06-14-05 Filed: Notice Of Continuance (From 6/14/05 To 6/23/05)

06-21-05 Notice - NOTICE for Case 994402757 ID 9090725
ORDER TO SHOW CAUSE.
Date: 07/01/2005

Printed: 04/13/06 12:01:17

Page 31

CASE NUMBER 994402757 Divorce/Annulment

Time: 01:00 p.m.

Location: Fourth floor, Rm 401
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601

Before Judge: ANTHONY W. SCHOFIELD

The reason for the change is Conflict in Judge Schedule

06-21-05 ORDER TO SHOW CAUSE scheduled on July 01, 2005 at 01:00 PM in Fourth floor, Rm 401 with Judge SCHOFIELD.

07-01-05 Minute Entry - Minutes for Order to Show Cause

Judge: ANTHONY W. SCHOFIELD

Clerk: teria

PRESENT

Petitioner(s): SIONE LIMIHAI LATU

Attorney for the Respondent: LORIE D FOWLKE

Respondent(s): VAI I LATU

Audio

Tape Number: AWS 24 Tape Count: 1:08-1:34

HEARING

COUNT: 1:08

Ms. Fowlke addresses the Court.

COUNT: 1:10

Mr. Latu addresses the Court.

COUNT: 1:20

Ms. Fowlke responds and discussion ensues. The Court grants judgment for dental and doctor bills. Ms. Fowlke to provide the Court with proof from the IRS on garnished amounts within 15 days and judgment will enter.

The Court will grant attorney fees. Ms. Fowlke is to submit attorney fees affidavit.

07-14-05 Filed: Affidavit of Attorney's Fees

07-14-05 Filed: Affidavit of Vai Latu in Support of Judgment for Garnished Taxes

08-17-05 Judgment #5 Entered

Debtor: SIONE LIMIHAI LATU

Creditor: VAI I LATU

2,448.39 Medical

8,383.50 Other

837.44 Attorneys Fees

11,669.33 Judgment Grand Total

08-17-05 Filed judgment: Order on Order to Show Cause and Judgment (July 1, 2005)

Judge aschofie

Signed August 15, 2005

Printed: 04/13/06 12:01:19

Page 32

CASE NUMBER 994402757 Divorce/Annulment

08-18-05	Fee Account created	Total Due:	1.00
08-18-05	COPY FEE	Payment Received:	1.00
08-23-05	Filed: Notice of Entry of Order		
09-15-05	Filed: Notice of Appeal		
09-15-05	Filed: Submitted Affidavit and Application for Waiver of Court Fees		
09-16-05	Filed order: Approved Affidavit and Application for Waiver of Court Fees		
	Judge aschofie		
	Signed September 16, 2005		
09-20-05	Filed: Request for Transcript of Order to Show Cause Hearing on 7/1/05; Requested by Sione Limihai Latu		
09-20-05	Note: A certified copy of the Notice of Appeal along with a certified copy of the Approved Affidavit and Application for Waiver of Court fees was sent to the Utah Court of Appeals on this date with tracking number 55500013238.		
09-26-05	Filed: Letter from the Utah Court of Appeals to Mr. Latu dated September 23, 2005. The Court of Appeals case number is 20050866-CA		
10-06-05	Note: Mr. Latu came in to file his docketing statement with us, he was told that the docketing statement needed to be file with the Court of Appeals. As per Janet at the Court of Appeals it was approved that we could fax the docketing statement to them		
10-06-05	Note: and mail the original tomorrow. I did so and gave Mr. Latu the confirmation sheet from the fax. The original documents were sent via State Mail with tracking number		

55500013140 on this date.

10-31-05 Filed: Original Transcript of Order to Show Cause Hearing on
7/1/05; Transcribed by Penny Abbott

02-08-06 Filed: Clerk's Certificate

02-08-06 Filed: Judgment Roll and Index

02-08-06 Filed: Clerk's Certificate on Transcript

02-08-06 Note: The record was sent to the Utah Court of Appeals on this
date via State Mail with tracking numbers box 1 of
2--55500025576 and box 2 of 2-- 55500025577. (3 yellow files,
3 manilla envelopes, 2 white envelopes and 1 transcript)

Addendum 4

1 IN THE FOURTH JUDICIAL DISTRICT - PROVO COURT

2 UTAH COUNTY, STATE OF UTAH

FILED
CLERK
UTAH COUNTY

3
=====

4 SIONE LIMIHAI LATU,	) ORDER TO SHOW CAUSE
)
5 Petitioner,)
)
6 vs.)
)
7 VAI I. LATU,	) CASE 994402757
	) APPEAL 20050866-CA
)
8 Respondent.	) JUDGE ANTHONY W. SCHOFIELD
9)

=====

10
11 BE IT REMEMBERED that this matter came on for hearing
12 before the above-named court on July 1, 2005.

13 WHEREUPON, the parties appearing and represented by
14 counsel, the following proceedings were held:

15
16
17 OFFICIAL CERTIFIED TRANSCRIPT

18 (From Electronic Recording)

19
20
21 **ORIGINAL**

22
23 FILED
24 UTAH APPELLATE COURTS

25 FEB 10 2006

20050866-CA

PENNY C. ABBOTT, REPORTER-TRANSCRIBER
LIC. 102811-7801

PHONE: (801) 423-6463 EMAIL: pennyabbott@earthlink.net

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A-P-P-E-A-R-A-N-C-E-S

FOR PETITIONER:

SIONE LIMIHAI LATU
PRO SE
347 EAST 2200 NORTH
PROVO UT 84604

FOR RESPONDENT:

LORIE D. FOWLKE, ESQ.
SCRIBNER & MCCANDLESS
2696 N UNIVERSITY AVE #220
PROVO UT 84604

=====

TABLE OF CONTENTS

=====

PAGE REF

ARGUMENT

BY MR. LATU.	4 13
BY MS. FOWLKE.	9
COURT'S RULING.	15

P-R-O-C-E-E-D-I-N-G-S

(July 1, 2005)

THE JUDGE: In the matter of Latu against Latu.
If you'll note your appearances, please.

MS. FOWLKE: Lorie Fowlke for Vai Latu who is
present.

MR. LATU: Limihai Latu for myself.

THE JUDGE: Okay. You may be seated. It's my
understanding this is before the court on the order to show
cause. I've read your motion, I understand what it is
you're asking for.

Ms. Fowlke, is there any, tell me where you think
we are today.

MS. FOWLKE: I just have copies of receipts. I
don't remember frankly if that's were included with the
affidavit but I do have copies of the dental receipts and
medical receipts and also the amounts that were removed from
my client's tax refund.

THE JUDGE: None of those receipts are in the
file.

MS. FOWLKE: Okay. If I can approach, Your Honor
(short inaudible, no mic).

THE JUDGE: Thank you.

MS. FOWLKE: (Inaudible discussion at bench).

THE JUDGE: You have previously provided this,

1 your claim is previously provided this information to
2 Mr. Latu?

3 MS. FOWLKE: The receipts, yes. Not the tax
4 information (short inaudible, no mic).

5 THE JUDGE: And, is her statement that these have
6 not been paid?

7 MS. FOWLKE: Yes, Your Honor.

8 THE JUDGE: So I have an orthodontist bill, a
9 dental bill and then the taxes. Am I, is that the extent of
10 it?

11 MS. FOWLKE: Yes, Your Honor.

12 THE JUDGE: Mr. Latu, I'd be happy to hear your
13 response in this matter. And you can be seated or stand,
14 whichever is most comfortable for you.

15 MR. LATU: Your Honor, may I approach the bench
16 and--

17 THE JUDGE: Yes, please. Do you have a copy for
18 Ms. Fowlke too or just one copy?

19 MR. LATU: (Short inaudible, no mic).

20 ARGUMENT BY MR. LATU

21 MR. LATU: I'd like to start out with combining
22 the first two items of the order to show cause--

23 THE JUDGE: Thank you.

24 MR. LATU: -- before addressing the medical bill.

25 THE JUDGE: Go ahead.

1 **MR. LATU:** These medical bills are not only for
2 this year but last year as well. And, and Exhibit A is a
3 copy of my check stub for this year, this year so far.

4 **THE JUDGE:** Okay.

5 **MR. LATU:** And which this is my last check that I
6 received this year which is the 17th I believe of June.

7 **THE JUDGE:** All right.

8 **MR. LATU:** On the very bottom highlighted area it
9 shows how much child support I've paid, it's \$5,031.56. On
10 Exhibit--

11 **MS. FOWLKE:** Excuse me, Your Honor, I don't think
12 I have an Exhibit A (short inaudible, no mic).

13 **THE JUDGE:** I'm happy to let you look at this,
14 Ms. Fowlke, if you'd like.

15 **MS. FOWLKE:** Exhibit C, D, E, F,. That's it G

16 **MR. LATU:** Exhibit B is the same information, the
17 bottom of, that's the last paycheck I received for 2004.

18 **THE JUDGE:** I understand.

19 **MR. LATU:** And the bottom highlighted line with
20 the child support is a total I paid for that year which is
21 \$16,578.69. This is a huge amount and it comes to a total
22 of \$21,000, \$21,610.25 the total amount of child support I
23 paid for 2004 and so far this year. And a, this is a huge
24 huge amount, Your Honor, that you have ordered me to pay for
25 the care of the children. And if you look on either line A

1 or B on the child support highlighted above it itemized how I
2 paid for the premium, insurance premium, it comes to a total
3 of 119 a month.

4 Now, this \$21,000 is more than plenty to pay for
5 this \$2,000. The total, I added up the total that she asked
6 to the bill comes to \$2,448.39. And you take that out of
7 the 21,000 it leaves \$19,161.86 for other things. But I
8 guess what I'm pleading to the court I more than paid for it
9 for what you ordered me to pay which would have more than
10 covered the \$2,000 she's asking for, because it has been
11 paid with the insurance that you ordered me to put the
12 children in, in addition I paid the child support to cover
13 it. And I just don't think it's right that I have to pay
14 double for an expense that you have ordered me and I have
15 already paid for already with the information you have before
16 you.

17 The second item is the taxes. Exhibits C and D.
18 I went to IRS and told them how, how can, can somebody, a tax
19 refund be garnished if she was not a joint filer as 2000 and
20 2001 are the years that, that appears on the, on the order to
21 show cause.

22 THE JUDGE: Right.

23 MR. LATU: Well, they told me that they cannot.
24 And Exhibit C and D is the IRS copy that shows on the top,
25 very top highlighted where it says spouse social security

1 number it says, it says put zeros on it. And the second
2 highlighted area is my filing status which is head of
3 household, it's just me. So she was not a joint filer so
4 they cannot garnish her for those two years, 2000 and 2001,
5 because I was the only filer for it in that year.

6 Then according to their records in 1991 in which
7 she was a joint filer, filing that year in which they both,
8 they meaning the IRS both took my refund and her refund
9 because we were joint filers that year, and this was done in
10 2002 and 2003. So the deductions that were made or the
11 garnishments that were made were due when we were a joint
12 filer, were taken from both of our tax refund. And this is
13 a, this is a legal and lawful garnishment that, that I don't
14 think that I owe her to refund her for it.

15 And I want to bring Your Honor to a, if you can
16 remember there was a time before where we appeared before you
17 that Lorie Fowlke and her client said to you that they had
18 struck a deal with the IRS settling that we pay \$1,000 to
19 settle, you know, all the taxes that were joint which, which
20 including this garnishment and you ordered me to pay half of
21 the 1,000 which is 500. So I went over there and, and told
22 them if I could make arrangements to pay the 500 in
23 settlement on it. And we went through it. The only
24 settlement that was done was the offer and compromise
25 application that I did which we're still waiting on it. So

1 if that statement that they presented to you that they had
2 made a settlement was in fact in place we wouldn't be here
3 talking about it because it would have been settled
4 already. But that was never done.

5 So I'm here to present to you, Your Honor, one the
6 2000 and 2001 respondent was not a joint filer so therefore
7 the IRS say they could not garnish her. Two, the years were
8 1991 which is a, I believe it's a, they said that... Let's
9 see. E and F that shows there was a joint, there was a joint
10 filer for both, she and I so the IRS has attached, garnished
11 both our refund and which is lawful for them to do and I
12 cannot be responsible for that, that part of the law.

13 And therefore I, I come to you, Your Honor, and say
14 that while the medical, the medical bills I have more than
15 paid for it and as you have in front of you the child
16 support.

17 And also I want to bring to the court that this
18 child support is, does not have alimony or anything in it,
19 it's a total pure child support money that would have more
20 than paid for this.

21 And aside from that on top of paying this child
22 support that I'm ordered to pay my older children and I have
23 worked more hours to pay for the needs of the children
24 because the mother does not use this money on the children.
25 But that's another issue for another day.

1 There were, I have shown before you that I have
2 indeed paid a lot of money to this. And as I said, if you
3 subtract this amount that they ask for medical there's more,
4 almost \$20,000 left for other things.

5 So I, I ask you, Your Honor, that you deny their
6 request, that I have obeyed the court order in this matter.
7 Thank you.

8 **THE JUDGE:** Go ahead, counsel.

9 **ARGUMENT BY MS. FOWLKE**

10 **MS. FOWLKE:** I understand Mr. Latu's argument,
11 because he pays a large amount of child support he somehow
12 believes that he is not responsible for complying with the
13 part of the court order that requires him to pay one-half of
14 all unreimbursed medical expenses for the children. I know
15 that the court is aware that that is not the law and that in
16 addition to child support he's responsible for half of the
17 medical expenses that are not covered by insurance.

18 In response to his argument about the large amount
19 of child support that he pays, we are certainly grateful that
20 he is now paying his child support. However, it's not
21 relevant to, to what we are asking the court since we are not
22 asking the court for contempt which is I guess what he would
23 be arguing is that I'm doing all I can or all that I'm going
24 to do. We're not asking for contempt, we're simply asking
25 for judgment for the unpaid medical expenses for the

1 children.

2 We would also point out on the insurance premium
3 that he recited to the court that he was paying for the
4 children that he does receive a credit for my client's share
5 of the insurance premium. In addition, my client's husband
6 also insures the children so he's actually getting the
7 benefit of that insurance as well since they, since she
8 remarried.

9 There also seems to be a misunderstanding regarding
10 the, the IRS. The, the amounts that were garnished from my
11 client's refund were for the years 1990 and 1991 which were
12 while the parties were married. And part of the divorce
13 decree provides that Mr. Latu is responsible for taking care
14 of those tax liens and all the other liens on the house. I
15 have a copy of the title report for the house, it shows he
16 hasn't taken care of any of them. Nevertheless we are only
17 asking that she be awarded judgment for these liens that were
18 taken by the IRS from my client's account because they were
19 not paid by Mr. Latu.

20 His claim that he quote, cannot be responsible
21 simply ignores the terms of the divorce decree that provide
22 that he pay for one-half of the medical expenses and that he
23 pay for these liens and the IRS, and the fact that the IRS
24 did what they're legally entitled to do doesn't remove the
25 responsibility from Mr. Latu to take care of these liens.

1 Does the court have any questions?

2 THE JUDGE: I have, I have two or three questions.

3 MS. FOWLKE: Okay.

4 THE JUDGE: I understand that the decree was
5 amended recently to provide for a different child support in
6 the sum of 776.

7 MS. FOWLKE: Because I think some kids turned over
8 18.

9 THE JUDGE: And in addition to that he would be
10 entitled to a credit or an offset for the children's portion
11 of the insurance and it's your belief that that credit is
12 being, that offset is being applied on an ongoing basis.

13 MS. FOWLKE: That would be my client's testimony
14 through ORS. He provided evidently document takes to ORS
15 and they are giving him a credit for her share of that
16 insurance.

17 THE JUDGE: Okay. That was question number
18 one. Question number... So when I see that he is paying
19 really large amounts is that, is there arrearages that are
20 being collected as well?

21 MS. FOWLKE: They are collecting arrearages as
22 well. There's about, how much did you tell me seven or
23 \$8,000 still owing in arrears. That's not including other
24 judgments that she has for attorney's fees and--

25 THE JUDGE: Which ORS won't, will not collect.

1 **MS. FOWLKE:** Which ORS won't collect. And he is
2 paying, we came in for this, Your Honor rotated back on to
3 this case and it's my understanding from my client that she
4 would testify that he is, in addition to what ORS collects he
5 pays \$100 a month towards those other judgments, so those are
6 gradually being whittled away.

7 **THE JUDGE:** When I look at the exhibits you gave
8 me from the IRS do you have a, do you know is there a way to
9 tell for what tax years this is applicable from the, I mean--

10 **MS. FOWLKE:** Other than my client's testimony
11 because she... Because I've looked for that myself. The
12 year that is indicated where the amounts are taken are the
13 years that they were taken.

14 **THE JUDGE:** That's right.

15 **MS. FOWLKE:** They were taken in 2001 and in 2003.
16 When she contacted them they informed her that the 2003
17 amounts that were taken were for 1991 and that the 2001
18 amounts that was taken was for the year 1990. And that's,
19 and I can't find anything on this document that indicates
20 anything else.

21 **THE JUDGE:** And is there a reason that we're
22 hearing about this in '95 (sic) instead of 2001 or 2003 when
23 the sums were actually taken.

24 **MS. FOWLKE:** Well, in 2001 I think there was so
25 much other stuff going on that they didn't pursue it. And

1 then in 2003, well, she just had it last year, six months
2 ago. In 2004, I'm sorry, about a year ago probably it would
3 have been taken. I think she was also waiting hoping to get
4 reimbursement on the braces for the kids, which is partly
5 what motivated her to bring this before the court. I mean,
6 we've been here so many times. We were told not to even
7 pursue contempt anymore and we're not asking for contempt.
8 It was just a matter of waiting until there was enough owing
9 to make it worth the cost to my client to bring this issue,
10 and since she had to come for the medical expenses we also
11 brought this because she was trying to figure out what had
12 happened and what it was for.

13 **THE JUDGE:** Thank you. Mr. Latu, anything
14 else?

15 **ARGUMENT BY MR. LATU**

16 **MR. LATU:** Yes, Your Honor. I do not know how the
17 lawyer can separate the different issues of the child support
18 I pay. I know that you, and you ordered me to pay the child
19 support you, correct me, you said that it is for the care and
20 the needs of the children. And whatever else division that
21 Lorie Fowlke brings out, I think the purpose of your order is
22 to take care of the children and I've done that.

23 So this medial bill that they talk about I don't
24 know whether 20,000, if we deduct the medical amount that
25 they're asking for from the total I paid I don't know what

1 else they do with the \$20,000. But the purpose of, as you
2 have explained to me five years ago is, is to pay for their
3 needs and medical needs is their needs, the children's
4 needs. And because of that I, I ask Your Honor that you may
5 consider the, the total picture, the bigger picture. I have
6 paid all this money because you ordered me to pay for the
7 children's care, and child support, and medical needs is the
8 purpose of this child support and I've done that. And to
9 allow, to force me to pay this child medical bill I'm paying
10 double for what I have already paid for before.

11 And for five years now thank goodness I have
12 children that helped me out and supported me all along. The
13 amount that's left over there's not really enough for my own
14 individual support.

15 And as much as Lorie Fowlke brought up the arrears,
16 I found out that the child support part of the decree was, is
17 an unlawful one. When I went for, when Office of Recovery
18 Service told me to come to the office and talk about the, the
19 reduction when Tina (phonetic) came back--

20 THE JUDGE: Right.

21 MR. LATU: -- on their letter it says that the
22 Utah law says that the child support is based on one income,
23 one full-time job.

24 THE JUDGE: Correct.

25 MR. LATU: And, and he pointed out to me the next

1 sentence to it it says that part-time and overtime job are
2 not considered. And for five years now these arrears all
3 come out of the overtime job, overtime thing that Lori
4 Fowike had put in it. And I don't work overtime. So I
5 would ask for another date that we could address this issue
6 of the child support amount which is the arrears that I've
7 been paying for five years now. But that today I ask that
8 you may just look at the amount that I pay because that is
9 the issue here they're asking me, asking me to work and
10 that.

11 And from that I also ask...

12 THE JUDGE: Go ahead.

13 MR. LATU: On Exhibit G I had to be here today and
14 we don't have time off at work, so that's how much owe, I've
15 lost a day in wages and I ask that I be awarded my wages for
16 today and the wages could be offset by, in addition to the
17 child support I have to pay every month \$100 to her--

18 THE JUDGE: Right.

19 MR. LATU: -- by the 10th.

20 THE JUDGE: Right.

21 MR. LATU: If you were kind enough to award me my
22 lost wages today that that will be offset by the payment for
23 July and the left over for August. Thank you.

24 COURT'S RULING

25 THE JUDGE: Well, let me address first the issue

1 of the dental bill and the orthodontic bill. Section...

2 Excuse me. I've got a tickle in by throat.

3 Section 78-45-7.15(8) requires that in addition to
4 child support that each parent shall share equally all
5 reasonable and necessary uninsured medical expenses including
6 deductibles and co-pays incurred for the dependent
7 children.

8 That statute says, Mr. Latu, I understand you've
9 paid a whole lot of money, in fact you've paid a great lot of
10 money. I don't misunderstand that. But the statute says
11 that you're obligation to pay for medical and care, uninsured
12 medical care is to be shared equally by the parents. I
13 don't think that the law allows me to do anything other than
14 what Ms. Latu is asking with respect to the dental bill and
15 the orthodontic bill. The law is, is clear. And I think
16 the records, I don't think there's any dispute that in fact
17 Ms. Latu has incurred obligations on behalf of the children's
18 dental and orthodontic needs. And I simply am going to order
19 judgment for those amounts because that's, the law says
20 that's what your obligation is in addition to your child
21 support obligation. That's point number one.

22 Number two, as to the tax liens I am, I'm not in my
23 own mind satisfied, Ms. Fowlke, that these, that I know what
24 these are. I don't have any question that Ms. Latu has had
25 money taken out of her check. I'm certain it was garnished,

1 it seems to say that. But I think that if I were choosing I
2 would ask you to submit a supplemental affidavit with some
3 sort of record from the IRS that says what year it applied
4 to.

5 MS. FOWLKE: Could we have a judgment subject to
6 verification within 10 days and we could provide that from
7 the IRS?

8 THE JUDGE: If, if this, if in fact these amounts
9 were deducted for years during which the parties were married
10 then I will enter judgment for Mr. Latu obligating him to
11 repay that.

12 MS. FOWLKE: Okay.

13 THE JUDGE: I'll give you 15 days given the
14 holiday to get that done.

15 MS. FOWLKE: Thank you, Your Honor.

16 THE JUDGE: And finally, the only other issue was
17 attorney's fees and I don't know how much you've incurred,
18 Ms. Fowlke, but if you'll submit an affidavit or if you know
19 today.

20 MS. FOWLKE: I don't, I'll submit an affidavit
21 with the order.

22 THE JUDGE: So Mr. Latu, if these are, if the
23 amounts that were taken from Ms. Latu's tax refunds are
24 amounts that were, that were incurred during the term of the
25 marriage under the order, under the decree in the divorce

1 you're obligated to pay those and I will enter judgment
2 for. As to attorney's fees I will issue an award of
3 attorney's fees will when I get that information
4 from Ms. Fowlke.

5 MS. FOWLKE: Thank you, Your Honor.

6 THE JUDGE: I know this comes as a heavy burden
7 but I'm convinced that that's the correct interpretation of
8 the divorce decree and the law and the obligations of the
9 parties.

10 MS. FOWLKE: Thank you, Your Honor.

11 THE JUDGE: I'm going to take just a brief
12 recess.

13

14

15

16

17

18

19

20

21

22

23

24

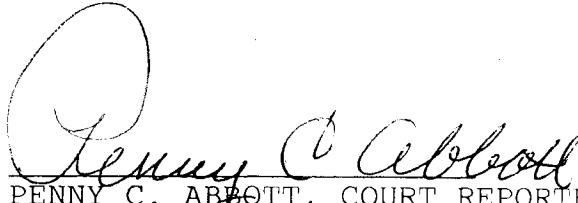
25

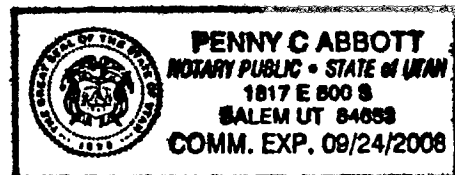
1 REPORTER'S CERTIFICATION

2 STATE OF UTAH)
3) SS.
4 COUNTY OF UTAH)
5

6 I, Penny C. Abbott, a Certified Shorthand Reporter and
7 Notary Public in and for the State of Utah, do hereby certify
8 that I received the electronically recorded CD #24 in the
9 matter of Latu vs. Latu, hearing date July 1, 2005, and that
10 I transcribed it into typewriting and that a full, true and
11 correct transcription of said hearing so recorded and
12 transcribed is set forth in the foregoing pages numbered 1
13 through 19, inclusive except where it is indicated that the
14 tape recording was inaudible.

15 WITNESS my hand and official seal this 25th day of
16 October, 2005.

17
18 
19 PENNY C. ABBOTT, COURT REPORTER/NOTARY
20 License 22-102811-7801
Notary Public, Comm Exp 9-24-08



Addendum 5(a)

ORIGINAL
5/31/00 JK

KELLY FRYE (6227)
Office of the Guardian ad Litem, Fourth District
32 West Center Street, Suite 205
Provo, UT 84601
Telephone: (801) 344-8516

**IN THE FOURTH JUDICIAL DISTRICT COURT IN AND FOR
UTAH COUNTY, STATE OF UTAH**

SIONE LIMIHAI LATU,	*	
	*	ORDER ON ORDER TO SHOW CAUSE
Petitioner,	*	(May 4, 2000)
VS.	*	
	*	Case No. 994402757 DA
VAI L. LATU,	*	
Respondent.	*	Judge Guy R. Burningham

This matter came before the Court for hearing on Order to Show Cause on Thursday, May 4, 2000, pursuant to notice, the Honorable Guy R. Burningham, District Court Judge, presiding. Petitioner was present and represented by Tom Patton. Respondent was present and represented by Lorie Fowlke. Kelly Frye, Guardian ad Litem for the parties minor children was present. The Court recessed the matter and reconvened in the afternoon with the parties' respective counsel appearing by telephone. The Guardian ad Litem was present in chambers and gave the Court an oral report regarding the present status of the parties six minor children. The Court having reviewed the Court's file, having made inquiry of the counsel and the Guardian ad Litem, and being duly advised in the premises;

IT IS HEREBY ORDERED:

1. The Court orders that the minor children will participate in divorce adjustment therapy. The parties may utilize the least expensive mental health provider available on the parties respective insurance coverage. The children's counseling will occur immediately. The divorce adjustment counseling will not occur through LDS Social Services. The parties are to equally divide any uncovered costs associated with the divorce adjustment counseling.

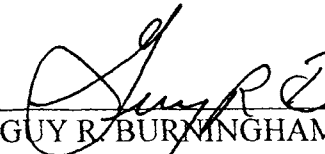
2. Both parties are ordered to encourage and facilitate the children's participation in divorce adjustment counseling.

3. The Court encourages the parties to allow the minor children liberal access to the other party. However, the children shall be returned to their custodial placement by 9:00 p.m.

4. **This matter is scheduled for further review and a pre-trial on Wednesday, June 7, 2000 at 8:30 a.m. No other notice shall be given.**

DATED this 31 day of May, 2000.

BY THE COURT:


GUY R. BURNINGHAM
District Court Judge



NOTICE OF INTENT TO SUBMIT FOR SIGNATURE

Pursuant to Rule 4-504 of the Utah Rules of Judicial Administration, you are hereby notified that the foregoing Order will be sent to the Court for signing upon the expiration of five (5) days from the date of this Notice, plus three (3) for mailing, unless a written objection is filed with the court prior to that time.

DATED this 16th day of May, 2000.



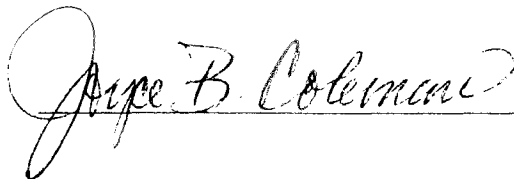
KELLY FRYE
Guardian ad Litem

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of May, 2000, I mailed a true and correct copy of the foregoing ORDER ON ORDER TO SHOW CAUSE (5-4-00) to each of the following:

Tom Patton
Attorney at Law
P.O. Box "L"
Provo, UT 84603-0200

Lorie Fowlke
Attorney at Law
2696 N. University Ave. #220
Provo, UT 84604



Addendum 5 (b)

FILED 07/27/00
Fourth Judicial District Court
of Utah County, State of Utah

Deputy

LORIE D. FOWLKE (6875)
T. McKAY STIRLAND (5800)
SCRIBNER, STIRLAND & McCANDLESS, P.C.
2696 North University Ave., Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY
STATE OF UTAH

SIONE LIMIHAI LATU,

Petitioner,

vs.

VAI I. LATU,

Respondent.

**ORDER ON REVIEW HEARING
(June 20, 2000)**

Civil No. 994402757
Judge Guy R. Burningham
Division 8

This matter came before the court for a Review Hearing on June 20, 2000. Petitioner was present and represented by counsel, Thomas Patton. Respondent was present and represented by counsel, Lorie D. Fowlke. Kelly Frye was present representing the parties' minor children. After hearing from counsel, the Court hereby makes the following Order:

1. This matter is set for an Evidentiary Hearing on Respondent's Order to Show Cause for contempt on July 19, 2000 at 1:30 p.m. No continuance will be granted for this hearing.

2. Petitioner's counsel, Thomas Patton, was given leave by the Court to withdraw and Petitioner was ordered to appear in person or have counsel appear no later than July 5, 2000.


3. Petitioner or his counsel will have leave to file amended pleadings if they desire. Such amended pleadings must be filed by July 19, 2000.

4. Petitioner will provide to Respondent, through her counsel, information regarding his insurance company and health insurance benefits through his current employer no later than June 30, 2000. Petitioner is instructed to contact his employer to obtain the necessary information including the identity and address of the insurance carrier and a list of approved providers.

5. Both parties are admonished to obey all previous Court Orders. The Court re-read the last Court Order provided by the Guardian ad Litem and signed by the Court, which indicates in particular that the parties shall cooperate and encourage the children to participate in counseling, that the children should be returned to the home of Respondent by 8:30 p.m. and that they shall be instructed to leave a note at the home of Respondent indicating where they are if they are not there when she comes home.

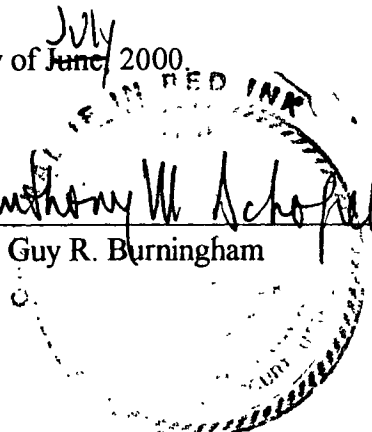
6. The parties are also admonished to encourage the children to love and have a positive relationship with both of their parents.

DATED and signed this 27 day of ~~June~~ ^{July} 2000.



Judge Guy R. Burningham

2



Approved as to form:

Limihai Latu

Approved as to form:

Kelly Frye, Guardian ad Litem

Addendum 5 (c)

Fourth Judicial District Court
of Utah County, State of Utah
04/27/01 Deputy

LORIE D. FOWLKE (6875)
T. McKAY STIRLAND (5800)
SCRIBNER, STIRLAND & McCANDLESS, P.C.
2696 North University Ave., Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY

STATE OF UTAH

SIONE LIMIHAI LATU,

Petitioner,

vs.

VAI I. LATU,

Respondent.

**ORDER ON ORDER TO SHOW
CAUSE IN RE CONTEMPT**

Civil No. 994402757
Judge Anthony W. Schofield
Division 8

This matter came before the Court pursuant to Respondent's Motion for Order to Show Cause in Re Contempt of the Petitioner. An evidentiary hearing was held before the Court on July 19, 2000. On July 27, 2000, the Court spoke with the minor children and heard closing arguments of the parties and counsel. For both hearings Petitioner was present and represented himself. Respondent was present and was represented by Lorie D. Fowlke of Scribner, Stirland & McCandless, P.C. Kelly Frye was present from the Guardian ad Litem's office representing the

parties' minor children. After receiving evidence, reviewing the file and being otherwise advised in the premises, the Court hereby makes the following FINDINGS AND ORDER.

1. The Court finds that Petitioner violated the temporary order in regards to the piano. Petitioner cannot claim the piano belongs to the children and it is clearly a furnishing. The Petitioner has also violated the Order in regards to the photographs, photo albums, and genealogy records, and the Court finds the Petitioner in contempt. The Court orders that Petitioner will deliver the photo albums, the large box of photographs, and the genealogy records to the Respondent no later than Sunday evening, July 30, 2000 at 7:00 p.m. Petitioner may make whatever copies he wishes of the genealogy records or photographs prior to returning them to the Respondent. The Court will not order the Petitioner to return the piano as it appears equitable that each party have a piano in their home. If the piano has a debt upon it with Bert Murdock music, Petitioner shall be responsible for paying that debt.

2. The Court finds that Petitioner has made disparaging remarks about the Respondent in front of the children, and his actions, words and attitude have fostered alienation between the children and their mother. The Petitioner has demeaned the Respondent in the eyes of the children. A specific example of Petitioner's inappropriate actions are when Respondent came to the home to pick up the parties' daughter, Sili, and Petitioner spoke to Respondent in an inappropriate manner. Another example is Petitioner's remarks to the children regarding his opinion

that only the Respondent needed therapy, not the children. The Court cites the Petitioner for contempt for making disparaging remarks regarding the Respondent in front of the children.

3. The Court finds that Petitioner breached the temporary order regarding custody of Sili Latu. Twelve year old children are not allowed to choose where they live. The Court does not believe that Respondent “kicked her out”. Sili acted improperly and Petitioner and the older siblings took advantage of the situation in violation of the court order. If Petitioner wanted to change custody at that time, he should have asked the Court immediately for a hearing to request such a change. Therefore, the Court finds Petitioner in contempt of the custody orders of this court.

4. Regarding temporary support, the Petitioner is certainly not entitled for a deduction for having Sili in his home in violation of the custody orders of this court, and therefore Petitioner is in violation and contempt of the Court order. Petitioner may be entitled to an adjustment in child support to reflect the fact that Melba reached the age of majority. However, the Petitioner violated the Court order by not paying the support as ordered. The Court also finds that Petitioner’s use of Melba in order to funnel support monies to the Respondent is an additional example of disparaging actions towards the Respondent. The Court finds Petitioner in contempt for failing to pay support as ordered and awards judgment to the Respondent as of the end of July, 2000 in the amount of \$1,035.00 for unpaid support. The Court orders that Petitioner continue to pay the Court ordered amount of temporary child support and alimony until a further hearing, which has been scheduled.

5. The Court finds that Petitioner is in violation of the Court orders regarding his failure to pay certain debts ordered by the Court. The Court recognizes the Petitioner had conversation with Respondent's attorney; however, the Court order is as recorded and Petitioner is bound thereby unless he has asked the Court to make a change. Respondent is awarded judgment from the Petitioner for debts she paid on the ZCMI and Bonneville Collection debt in the amount of \$760.99.

6. The Court finds that Petitioner has made no payment toward the \$300.00 in temporary attorney's fees previously awarded to the Respondent. The Court may have felt differently if the Petitioner had made any payment towards this judgment, but the Court finds the Petitioner has paid nothing towards the judgment and has therefore not acted in good faith. The Court finds Petitioner in contempt for failing to pay Respondent's attorney's fees as previously ordered in the amount of \$300.00.

7. The Court finds that Petitioner has impeded the children becoming involved in counseling despite the Court order made in February, 2000 that the children be placed in therapy immediately. The Court finds that Petitioner has tried to do things his way and not the Court's way and Petitioner is held in contempt for failing to comply with this portion of the Court order.

8. The Court orders that Petitioner will bring Sili Latu back to the home of the Respondent no later than Sunday evening, July 30, 2000. If Sili and her mother, the Respondent, need counseling to readjust their relationship, that is appropriate. Petitioner should be entitled to

liberal visitation as set out in the previous order, as the parties agree or under the statutory guidelines if they do not agree. The children shall be at home with the Respondent for breakfast and dinner, spending the evening meal with their mother. After-dinner activities are to be determined by Respondent. Petitioner may have visitation with the children during the day when they are not at school while Respondent is at work.

9. The Court believes that the only way to communicate the message to Petitioner that he must obey the Court orders is to impose an appropriate sanction. For Petitioner's contempt described above, Petitioner shall spend ten (10) days in the Utah County jail with work release. During that ten (10) days, Petitioner will not see the minor children, and the children shall be home with the Respondent. This will be appropriate as part of the children's readjustment to a more positive relationship with their mother, the Respondent, and to a schedule as determined appropriate by Respondent.

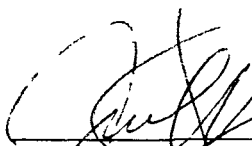
Respondent is to go to the Utah County Jail, 3075 North Main Street, Spanish Fork, Utah, on Wednesday, August 2, 2000 and sign-up for a ten day obligation with work release. The personnel at the jail will advise Petitioner when his spot is available and Petitioner will go immediately at that time to serve his sentence. If Petitioner does not go immediately as ordered, Petitioner will serve ten days in the Utah County Jail without work release.

10. Respondent is awarded attorney's fees against the Petitioner in the amount of \$_____ based upon Respondent's counsel's affidavit.

11. The matter of adjustments for child support and alimony and a possible alternate visitation schedule shall be heard by the Court at 1:30 p.m., Wednesday, August 9, 2000.

DATED and signed this 27 day of ^{April} July, 2000.

BY THE COURT:


Judge Anthony W. Schofield

ORIGINAL IF IN RED INK

Approved as to form:

Limihai Latu, pro se

Approved as to form:

Kelly Frye, Guardian ad Litem

11. The matter of adjustments for child support and alimony and a possible alternate visitation schedule shall be heard by the ~~Court at 1:30 p.m., Wednesday, August 9, 2000.~~

DATED and signed this _____ day of July, 2000.

BY THE COURT:

Judge Anthony W. Schofield

Approved as to form:

Limihai Latu, pro se

Approved as to form:

Kelly Fye 8/2/00
Kelly Fye, Guardian ad Litem

Addendum 5 (d)

LORIE D. FOWLKE (6875)
RICHARD J. CULBERTSON (4021)
SCRIBNER, STIRLAND & McCANDLESS, P.C.
2696 North University Ave., Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY

STATE OF UTAH

SIONE LIMIHAI LATU,

Petitioner,

vs.

VAI I. LATU,

Respondent.

**ORDER ON ORDER TO SHOW CAUSE
IN RE CONTEMPT AND JUDGMENT**

Civil No. 994402757
Judge Anthony W. Schofield
Division 8

This matter came before the Court on January 4, 2002. Petitioner was present and represented by Gary Weight of Aldrich, Nelson Esplin & Weight, and Respondent was present and represented by Lorie D. Fowlke of Scribner, Stirland & McCandless, P.C. Having received testimony and argument of counsel and being otherwise advised in the premises, the Court hereby finds and orders as follows:

1. Regarding the property taxes, based upon the Stipulation of the parties, the Court finds that the Petitioner failed to pay the property taxes for the years 1997, 1998 and 1999 as

ordered in the Decree of Divorce. The Court finds that Petitioner is in contempt for his failure to do so. The taxes have been paid by Respondent, and Respondent is awarded **judgment** against the Petitioner in the amount of **\$3,087.80**.

2. Regarding dental care, the Court finds that the children are in need of dental care and they should be provided that dental care with a provider for whom there is the best insurance coverage available. The Court will not find Petitioner in contempt on this issue. The Court does order that the children's dental needs will be met by Dr. David K. Nance in Springville. Respondent, as the custodial parent, has the responsibility to take the children to their health care providers. If Petitioner decides to take the children to the dentist, he must first discuss this issue with Respondent. Respondent is also able to contact Dr. Nance directly regarding the children's dental care needs.

3. Regarding the therapy issue, the Court notes that in February 2000, before the Decree of Divorce was final, therapy had been ordered. This order was reaffirmed in the Custody Order and Decree of Divorce, and later it was reaffirmed in the Order for the hearing on April 12, 2001. At that time the Court adopted Dr. Jensen's recommendations for therapy. The Court finds there is clear evidence that Petitioner's efforts to follow the recommendations of Dr. Jensen and the orders of the Court are not genuine. The issue is not "let's get the money", but "get counseling immediately" for the minor children.

The Court finds that from the outset the children were assigned to reside with their mother and that Petitioner has impeded this arrangement. Petitioner is in contempt and the Court

does not wish to send him to jail, but has serious concerns regarding these ongoing problems. The Court believes that the current problems would be alleviated if the children had received the counseling initially ordered. The Court finds that Petitioner did not make good faith effort to get the counseling done until November 2001. In November 2001 Petitioner made the first serious efforts to obtain the counseling. However, then Petitioner signed a paper asking for a reduced fee and indicating he would not pay any costs not covered by insurance. The Court finds these actions do not indicate good faith, but in fact the opposite.

From the outset, Petitioner has indicated he believes counseling is not helpful because he cannot accept his part in the problems regarding the children. Based upon these findings, the Court finds that Petitioner is in contempt for failing to obtain therapy for the children as ordered by the Court.

4. Regarding the issue of alienation, even if the Court were to accept Petitioner's testimony that he does not belittle Respondent or speak derogatorily about her in front of the children, the Court does not accept his view that his attitude is not negative towards the mother. The Court finds that the children mirror Petitioner's negative attitude when they return from visitation with their father, and the Court finds that Petitioner is in contempt for alienating the children.

5. The Court hereby orders that the children shall be actively involved in therapy with Dr. Jensen within thirty (30) days from the date of today's hearing, i.e. by February 4, 2002. In the event the children are not actively involved in counseling with Dr. Jensen within thirty (30) days of today's hearing, Petitioner is ordered to spend ten (10) days in the Utah County jail.

6. The Court finds that if the children had been in counseling as ordered, it does not believe that the parties would be here today. Therefore as further sanctions for Petitioner's contempt, Respondent is awarded **judgment** against the Petitioner for her attorney's fees in the amount of \$950.00, plus costs of \$155.36, for a total judgment of **\$1,105.36**.

DATED and signed this 15 day of January, 2002.

BY THE COURT:

Anthony M. Schopelt
DISTRICT COURT JUDGE

NOTICE OF INTENT TO SUBMIT FOR SIGNATURE

TO GARY H. WEIGHT, ATTORNEY FOR PETITIONER:

You will please take notice that the undersigned attorney for Respondent will submit the above and foregoing Order on Order to Show Cause in re Contempt and Judgment to the Honorable Anthony W. Schofield for his signature upon the expiration of five (5) days from the date of this notice, plus three (3) days for mailing, unless written objection is filed prior to that time pursuant to Rule 4-504 of the Utah Rules of Judicial Administration.

Dated and signed this 9 day of January, 2002


LORIE D. FOWLKE

Addendum 5 (e)

FILE COPY

LORIE D. FOWLKE (6875)
RICHARD J. CULBERTSON (4021)
SCRIBNER & McCANDLESS, P.C.
2696 North University Ave., Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY

STATE OF UTAH

SIONE LIMIHAI LATU.

Petitioner.

vs.

VAI I. LATU.

Respondent.

ORDER IN RE CONTEMPT
(January 23, 2003)

Civil No. 994402757
Judge Stott
Division 8

This matter came before the court on January 23, 2003 pursuant to Respondent's motion for order to show. Petitioner was not present and was not represented by counsel. Respondent was present and was represented by Lorie Fowlke. Counsel proffered evidence and presented argument to the court. The court, having reviewed the file and being otherwise advised in the premises hereby finds and orders as follows:

1. The court finds that Petitioner has previously been held in contempt, most

recently on January 24, 2002.

2. The court finds that Petitioner has previously been ordered to provide life insurance for the children which lists Respondent as the beneficiary. Petitioner has failed to comply with this order and is hereby found in **contempt**.

3. The court finds that Petitioner has failed to pay child support owed to Respondent as ordered by the court and is hereby found in **contempt**.

4. Respondent is awarded **judgment** for child support and alimony arrears not paid by Petitioner in the amount of \$5,460.54 for the period of August 2002 through December, 2002.

5. Respondent is awarded **judgment** against the Petitioner in the amount of \$629.06 for attorneys fees to bring this matter before the court, as set forth by Respondent's Attorney's Affidavit, filed herewith.

6. As sanction for Petitioner's contempt Respondent is hereby sentenced to 45 days in the Utah County Jail. A warrant shall issue for Respondent's arrest and no bail shall be accepted.

7. If Petitioner wishes to purge his contempt, he must comply with the following requirements:

- a. Produce evidence to the court that he has made the ordered change of beneficiary in the life insurance policy;
- b. Produce evidence to the court that Petitioner has applied for any

disability benefits that would be available to him, with said benefits to go to the children for his support obligation;

c. Pay to Respondent the remaining amount of child support and alimony due for January, 2003, and the support for September, October, and November, 2002, where nothing was paid for those months.

If Petitioner complies with the above requirements he may be released from the Utah County Jail; otherwise, he shall serve all 45 days.

8. This matter is set for a Review on March 28, 2003 at 8:30 a.m. to determine Petitioner's subsequent compliance with the court orders.

DATED and signed this ____ day of _____, 2003.

BY THE COURT:

District Court Judge Gary Stott

LORIE D. FOWLKE (6875)
RICHARD J. CULBERTSON (4021)
SCRIBNER & McCANDLESS, P.C.
2696 North University Ave., Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY

STATE OF UTAH

SIONE LIMIHAI LATU.

Petitioner.

vs.

VAI I. LATU,

Respondent.

**AFFIDAVIT OF
ATTORNEY'S FEES**

Civil No. 994402757
Judge Stott
Division 8

STATE OF UTAH)

:SS

COUNTY OF UTAH)

Lorie D. Fowlke, having been first duly sworn upon her oath, deposes and says as follows:

1. I make this affidavit upon my own personal knowledge. I am competent to testify to the matters set forth herein.

2. I am an attorney licensed to practice law within the State of Utah.
3. I have represented the Respondent in the instant matter and am acquainted with the circumstances of said matter.
4. The legal basis for the award of attorneys fees is statutory and common law.
5. The nature of the work performed by me consisted of the following:

10-03-02	Telephone conference with client	0.10 hr.
10-11-02	Correspondence to Limihai Latu re: life insurance	0.30 hr.
11-11-02	Review of message from Vai: instruction to staff	0.10 hr.
12-19-02	Review of documents from Kennecott: instruction to staff	0.10 hr.
12-20-02	Telephone conference with client; instruction to staff	0.20 hr.
01-10-03	Conference with Judge Laycock to sign Order to Show Cause. have Order to Show Cause issued by the Court	0.50 hr.
01-23-03	Court appearance: conference with Client	1.00 hr.
01-23-03	Telephone conference with Court clerk: telephone conference with Client	0.10 hr.
01-24-03	Prepare Notice of Entry of Order	0.20 hr.
	TOTAL HOURS	2.60 hrs.

6. Petitioner has been required to incur attorney's fees in the amount of \$455.00. Said fee is based upon a rate of \$175.00 per hour for a period of 2.60 hours.

7. A reasonable fee for the work performed is the sum of \$455.00, which is a reasonable fee for comparable legal services.

8. Petitioner has been required to incur costs for the following paralegal time:

01-03-03	Preparation of Motion for Order to Show Cause, Order to Show Cause and Affidavit; Telephone conference with opposing counsel and client regarding payments received	1.00 hr.
01-07-03	Preparation of Order to Show Cause documents; Preparation of Trial Summons for Office of Recovery Services case worker Jackie Horsley	0.30 hr.
	TOTAL HOURS	1.30 hrs.

9. Petitioner has been required to incur paralegal's fees in the amount of \$97.50. Said fee is based upon a rate of \$75.00 per hour for a period of 1.30 hours.

10. A reasonable fee for the work performed is the sum of \$97.50, which is a reasonable fee for comparable paralegal services.

11. Petitioner has been required to incur costs in the amount of \$74.76 for the following expenses:

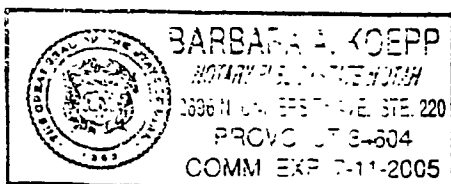
10-31-02	Postage	\$ 0.74
11-19-02	Service of Process / Salt Lake County Sheriff to Kennecott Corp.	\$ 33.00
11-19-02	Service of Process / Subpoena Duces Tecum on Kennecott	\$ 18.50
11-30-02	Postage	\$ 2.91
12-20-02	Copies from Kennecott Utah Co.	\$ 9.79
12-31-02	Postage	\$ 0.37
01-24-02	Copies	\$ 9.45
01-24-02	Postage	\$ 1.80
	TOTAL COSTS	\$76.56

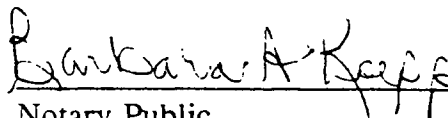
12. The total cost for attorney's fees and costs in this matter is a total of \$629.06

DATED and signed this 27 day of January, 2003.


Lorie D. Fowlke

SUBSCRIBED AND SWORN to before me this 27 day of January, 2003.




Notary Public

LORIE D. FOWLKE (6875)
RICHARD J. CULBERTSON (4021)
SCRIBNER & McCANDLESS, P.C.
2696 North University Ave., Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY

STATE OF UTAH

SIONE LIMIHAI LATU,

Petitioner,

vs.

VAI I. LATU,

Respondent.

MAILING CERTIFICATE

Civil No. 994402757

Judge Stott

Division 8

I certify that the original Order in Re: Contempt (January 23, 2003) with attached Affidavit of Attorneys Fees were mailed to the Clerk of the Court, in the Fourth Judicial District Court, and a copy to the below named parties by placing the same in the United States mail, postage prepaid, this 27th day of January, 2003, addressed as follows:

Mr. Gary Weight
43 East 200 North
P. O. Box "L"
Provo, Utah 84603

Paul Waldron, Guardian ad Litem
32 West Center St. #205
Provo, Utah 84601

151
Legal Assistant

LORIE D. FOWLKE (6875)
RICHARD J. CULBERTSON (4021)
SCRIBNER & McCANDLESS, P.C.
2696 North University Ave., Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY

STATE OF UTAH

SIONE LIMIHAI LATU,

Petitioner,

vs.

VAI I. LATU,

Respondent.

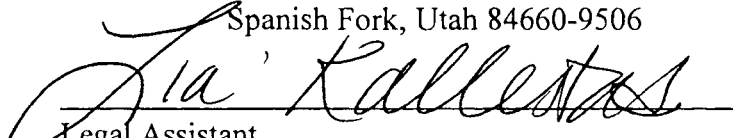
MAILING CERTIFICATE

Civil No. 994402757
Judge Stott
Division 8

I certify that the original Order in Re: Contempt (January 23, 2003) with attached Affidavit of Attorneys Fees were mailed to the Clerk of the Court, in the Fourth Judicial District Court, and a copy to the below named parties by placing the same in the United States mail, postage prepaid, this 28th day of January, 2003, addressed as follows:

Home address: Mr. Limihai Latu
2274 North 390 East
Provo, Utah 84604

County jail: Mr. Limhai Latu
Utah County Jail
3075 North Main Street
Spanish Fork, Utah 84660-9506


Legal Assistant

Addendum 5 (f)

FILED 10/28/03
Fourth Judicial District Court
of Utah County, State of Utah

1122 Deputy

LORIE D. FOWLKE (6875)
RICHARD J. CULBERTSON (4021)
SCRIBNER & McCANDLESS, P.C.
2696 North University Ave., Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY

STATE OF UTAH

SIONE LIMIHAI LATU,)	
	)	ORDER ON ORDER TO
Petitioner,	)	SHOW CAUSE IN
	)	RE: CONTEMPT
vs.	)	(Hearing October 1, 2003)
)	
VAI I. LATU,)	
	)	Civil No. 994402757
Respondent.	)	Judge James R. Taylor Gary Stott
	)	Division 8

This matter came before the court upon Respondent's Motion for Order to Show Cause in re. Contempt on October 1, 2003. Petitioner was present and represented by Gary Weight. Respondent was present and represented by Lorie Fowlke. The court excused the minor child, Kina Latu, from the courtroom. The court then received the proffer and argument of counsel. Having reviewed the file and being otherwise advised in the premises, the court hereby finds and orders as follows:

1. The court finds that both Judge Schofield and Judge Stott have previously found

Petitioner in contempt and that Petitioner is currently, again, in contempt of the orders of this court. The court notes it can appreciate Judge Schofield's frustration with this case and cannot understand why Petitioner thinks he can do what he wants and then claim he has clean hands. Petitioner is in violation of the court orders in so many places the court does not know where to start. In light of the issues raised in this hearing, the court specifically finds the Petitioner is in contempt in the following respects:

- A. Petitioner is in contempt for interfering in the custodial rights of the mother (Respondent) to the minor child, Kina Latu.
- B. Petitioner is in contempt for failing to make adequate payments on the judgements awarded to Respondent against the Petitioner.

2. The court orders that Petitioner may purge his contempt by meeting each of the following requirements:

- A. Remain current in his support obligations;
- B. Pay the \$100.00 per month towards the judgements awarded to Respondent. The first payment is due on or before the 10th day of October, 2003.
- C. The parties' daughter, Kina Latu, shall be sent home to the Petitioner no later than 5:00 p.m. today, October 1, 2003.

3. In the event the child, Kina Latu, is not home by 5:00 p.m. today, it will be evidence that Petitioner has failed to purge his contempt and this court will issue a warrant for Petitioner's commitment to the County Jail for ten (10) days for his contempt. The court

indicated to Petitioner it does not want to place him in jail but also did not want him interfering with the Respondent and the children. The court noted that no Order exists that allows Petitioner to refuse to return the child or to imply to the child that she can stay with him or do anything other than return the child to her mother, the Respondent. Any changes in custody must occur through the legal processes of the court. Until then the minor children reside with their mother, Respondent.

4. The court will review this matter on January 13, 2004, at 8:30 a.m. to determine if Petitioner has completed the purge of his current contempt. No further notice of this hearing will be given.
5. At the time of the hearing, Petitioner requested temporary custody of the child and leave to file a Petition to Modify. The court noted that Petitioner can file whatever he chooses and Respondent can file an appropriate response. Regarding the request for temporary custody, the court ruled that temporary relief is now denied.
6. Respondent is awarded judgement against the Petitioner for Respondent's attorneys' fees and costs in the amount of \$991.93, as set forth by her counsel's Affidavit.
7. The court spoke to the minor child, Kina Latu, in the courtroom and advised her of the court's ruling regarding custody, that her parents could not make changes in custody without going through the correct legal process and that she, as a minor child, could not

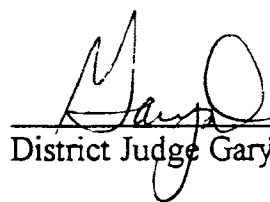
//

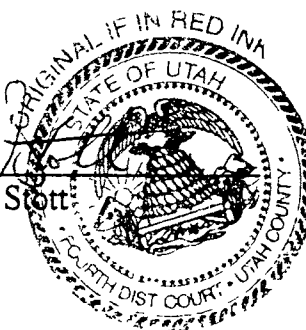
//

choose where she would live. The court advised the child that she needed to return to the home of Petitioner after school today.

DATED and signed this 28 day of October, 2003.

BY THE COURT:


District Judge Gary Stott



Approved as to form:

Gary Weight, Attorney for Petitioner

NOTICE OF INTENT TO SUBMIT FOR SIGNATURE

TO GARY H. WEIGHT, ATTORNEY FOR PETITIONER:

You will please take notice that the undersigned attorney for Respondent will submit the above and foregoing Order on Order to Show Cause to the Honorable Judge Gary D. Stott for his signature upon the expiration of five (5) days from the date of this notice, plus three (3) days for mailing, unless written objection is filed prior to that time pursuant to Rule 4-504 of the Utah Rules of Judicial Administration.

Dated and signed this 3rd day of October, 2003.



LORIE D. FOWLKE

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY
STATE OF UTAH

Civil No. 994402757
Judge Anthony W. Schofield
Division 8

Gary H. Weight
43 East 200 North
P. O. Box "L"
Provo, Utah 84603-2002

Secretary

Addendum 5 (g)

Unun

LORIE D. FOWLKE (6875)
RICHARD J. CULBERTSON (4021)
SCRIBNER & MCCANDLESS, P.C.
2696 North University Ave. Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT,
UTAH COUNTY, STATE OF UTAH

SIONE LIMIHAI LATU,

Petitioner,

vs.

VAI I. LATU,

Respondent.

ORDER ON REVIEW
(January 13, 2004)

Civil No. **994402757**
Judge: **Stott**
Division *ES*

This matter came before the court on January 13, 2004, for a Review of the contempt sanctions ordered at the hearing on October 1, 2003. Petitioner was present and represented by Gary Weight. Respondent was present and represented by Lorie Fowlke. Counsel for both parties offered proffer and argument before the court. The court, having reviewed the file and being otherwise advised in the premises hereby finds and orders as follows:

1. The Court finds that Petitioner has paid \$100 a month for four months, October 2003 through January 2004, towards the fees awarded to Respondent for attorneys' fees as previously ordered.

2. The Court finds the Petitioner returned the child, Kina Latu, to the home of the Respondent by 5:00 p.m. on October 1, 2003, as ordered.
3. The court finds that Petitioner has paid his current support obligation for the four months since the last hearing on October 1, 2003.
4. The court finds that Petitioner has complied with the requirements to purge himself of the contempt sanctions, which were not imposed at the hearing on October 1, 2003.
5. Regarding the Petitioner's pending Petition to Modify custody, and Petitioner's response to Respondent's Motion to Dismiss, the court clarified that when it stated at the conclusion of the October 1, 2003 hearing that Petitioner "could file whatever he choose", that was not to be interpreted as overruling Judge Schofield's previous Order. Judge Schofield's previous Order was that Petitioner could file no Petition to Modify until he had purged himself of all contempt, complied in all respects with the court orders and filed a Motion with the court to purge his contempt.
6. For purposes of the pending Petition to Modify, the court does not have sufficient information before it to show that Petitioner has complied with all orders in all respects. Petitioner is thus, not entitled to any hearing on the Petition to Modify and the Petition

//

//

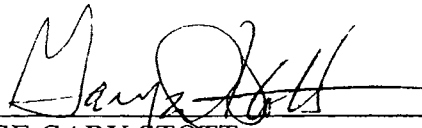
//

//

should be dismissed.

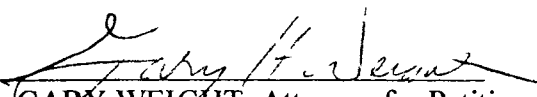
DATED and signed this 3 day of ^{March}~~January~~ 2004.

BY THE COURT



JUDGE GARY STOTT

Approved as to form:



GARY WEIGHT, Attorney for Petitioner

Addendum 6 (a)

FILED 03/14/02
Fourth Judicial District Court
of Utah County, State of Utah

Deputy

LORIE D. FOWLKE (6875)
RICHARD J. CULBERTSON (4021)
SCRIBNER & McCANDLESS, P.C.
2696 North University Ave., Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY
STATE OF UTAH

SIONE LIMIHAI LATU,

Petitioner,

vs.

VAI I. LATU,

Respondent.

**ORDER OF DISMISSAL
OF PETITIONER'S
PETITION TO MODIFY**

Civil No. 994402757
Judge Anthony W. Schofield
Division 8

This matter came before the court on February 25, 2002 for oral argument on Respondent's Motion to Dismiss Petitioner's Petition to Modify. Petitioner was not present but was represented by Gary Weight. Respondent was present and was represented by Lorie Fowlke. After hearing oral argument, reviewing the file, and being otherwise advised in the premises, having entered its Findings of Fact and Conclusions of Law, the court hereby orders:

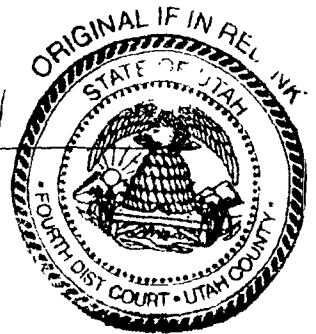
1. The Petition to Modify filed by Petitioner is hereby dismissed.

2. Petitioner shall not file another Petition until he is no longer in contempt of any Order of this court and his contempt citations are dismissed or otherwise resolved. Petitioner shall make a diligent effort to square himself with the court and meaningfully comply with all orders of the court, at which time he may file a Motion to purge his contempt.

DATED and signed this 14 day of March, 2002.

BY THE COURT:

Anthony M. Schofield
Judge Anthony Schofield



Approved as to form:

Gary H. Weight
Gary Weight

Addendum 6 (b)

mun

LORIE D. FOWLKE (6875)
RICHARD J. CULBERTSON (4021)
SCRIBNER & MCCANDLESS, P.C.
2696 North University Ave. Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT,
UTAH COUNTY, STATE OF UTAH

SIONE LIMIHAI LATU,

Petitioner,

vs.

VAI I. LATU,

Respondent.

ORDER OF DISMISSAL

Civil No. **994402757**

Judge: **Stott**

Division **6/8**

This matter came before the court on January 13, 2004 when the parties were present for a Review of contempt sanctions reserved by the court on October 1, 2003. Petitioner was present and represented by Gary Weight. Respondent was present and represented by Lorie Fowlke. The court, having reviewed the pleadings and memoranda from both parties regarding Petitioner's pending Petition to Modify and Respondent's Motion to Dismiss, makes the following order:

1. Regarding the Petitioner's pending Petition to Modify custody, and Petitioner's response to Respondent's Motion to Dismiss, the court clarified that when it stated at the conclusion of the October 1, 2003 hearing that Petitioner "could file whatever he choose",

that was not intended to overrule Judge Schofield's previous Order. Judge Schofield's previous Order was that Petitioner could file no Petition to Modify until he had purged himself of all contempt, complied in all respects with the court orders and filed a Motion with the court to purge his contempt.

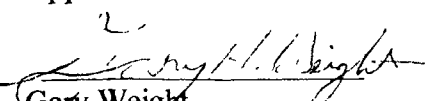
2. For purposes of the pending Petition to Modify, the court does not have sufficient information before it to show that Petitioner has complied with all orders in all respects. Petitioner is thus, not entitled to any hearing on the Petition to Modify.
3. The Petition to Modify is hereby dismissed.

BY THE COURT:

 3/3/04

JUDGE GARY STOTT

Approved as to form:

2


Gary Weight
Attorney for Petitioner

Addendum 7

LORIE D. FOWLKE (6875)
PAUL WALDRON (7660)
SCRIBNER & McCANDLESS, P.C.
2696 North University Ave. Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT,
UTAH COUNTY, STATE OF UTAH

SIONE LIMIHAI LATU,

Petitioner,

vs.

VAI I. LATU,

Respondent.

**AFFIDAVIT OF VAI LATU IN SUPPORT
OF JUDGMENT FOR GARNISHED
TAXES**

Civil No. **994402757**

Judge: **Schofield**

Division **6**

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, Vai Latu, state the following upon personal knowledge except for those items alleged upon information and belief.

1. After the hearing on July 1, 2005 I went to the IRS office to obtain the documentation to verify that the funds garnished from my tax refund were for the years 1990 and 1991.
2. After speaking with IRS personnel, I understood that the forms I received do explain this; you just have to know where to look.
3. The IRS person with whom I spoke highlighted the relevant numbers for me.

4. Exhibit 1 has two pages. The first page shows my name, social security number and the date of December 2000, which is the tax year the funds were taken from my refund. At the bottom of the page it shows what my refund should have been, i.e. \$1,495 for withheld taxes and excess FICA and \$2,069 for earned income credit, totaling \$3,564. It states at the bottom of the page that the overpayment credit was transferred. Below that is the number 199012, which means that the funds were transferred for the year 1990.
5. On page two of Exhibit 1, it again identifies the amounts to be refunded and at the bottom indicates that \$3,564 was transferred and references the Petitioner's social security number, 552-02-8752, meaning it was paid for his debt. After the social security number is the reference, again to 1990, by showing 30199012.
6. On Exhibit 2, which is one page, the top shows my name, social security number and income. The bottom half shows the amounts overpaid and the amounts transferred, \$3,857, \$385, and \$578.50 for Petitioner's social security number. After the social security number, the form references the year 1991 by showing the number 30199112.
7. Attached, as Exhibit 3, is the title report on our home for which Petitioner was ordered to pay the back taxes. This document clearly identifies the federal tax liens on the home in numbers 15, 16, 18, and 22. If Petitioner does not pay these taxes, I anticipate that my

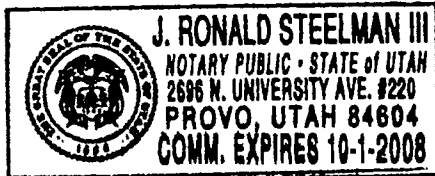
8. refunds will continue to be garnished to pay these taxes for Petitioner.

Dated and signed this 7 day of July 2005.

Vai Latu

VAI LATU, RESPONDENT

Subscribed and sworn to before me, a notary public, on this 7 day of ^{July 2005}~~June 2004~~.



J. R. Steelman III

Notary Public

MAILING CERTIFICATE

I hereby certify that I mailed a true and correct copy of the foregoing, postage prepaid, on this
13 day of July, 2005, to the following:

Limhi Latu
2274 North 390 East
Provo, UT 84604

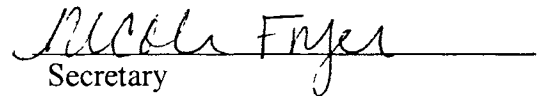

Secretary

EXHIBIT “1”

PAGE NO-0001

IRS EMPLOYEE 1624141

DATE REQUESTED 07-05-2005

PRINT DATE 07-05-2005

FORM NUMBER: 1040

TAX PERIOD: DEC 2000

TAXPAYER IDENTIFICATION NUMBER: 545-27-8803

VAI LATU

BODC-WI BODCLC-

--- ANY MINUS BELOW SIGNIFIES A CREDIT AMOUNT ---

ACCOUNT BALANCE:	0.00	
ACCRUED INTEREST:	0.00	AS OF 04-09-2001
ACCRUED PENALTY:	0.00	AS OF 04-09-2001

ACCOUNT BALANCE PLUS ACCRUALS.	0.00
-----------------------------------	------

** EXEMPTIONS: 03

** FILING STATUS: HEAD OF HOUSEHOLD

** ADJUSTED GROSS INCOME: 21,318.00

** TAXABLE INCOME: 5,744.00

TAX PER RETURN: 0.00

** PER RETURN OR AS ADJUSTED

04-15-2001 RETURN DUE DATE OR RETURN RECEIVED DATE (WHICHEVER IS LATER)

03-26-2001 PROCESSING DATE

TRANSACTIONS

CODE	EXPLANATION	DATE	MONEY AMOUNT (IF APPLICABLE)
150	RETURN FILED AND TAX ASSESSED	03-26-2001	0.00
	29221-055-36882-1		
806	CREDIT FROM WITHHELD TAXES & EXCESS FICA	04-15-2001	1,495.00
768	EARNED INCOME CREDIT	04-15-2001	2,069.00
826	OVERPAYMENT CREDIT <u>TRANSFERRED</u>	04-02-2001	<u>3,564.00</u>
	1040 199012		

EXHIBIT “2”

MATH ERR: CYCLE:20030608 SELF :1
 SCHEDULE C:N CHECKBOX : POSTING DATE:04-15-2003 SPOUSE:0
 SCHEDULE D:N NAICS CODE : FTP START DT:04-15-2003 CHILDREN HOME: 2
 SCHEDULE F:N PREPARER CODES:C RET PROCESS : CHILDREN AWAY: 0
 FORM 2555 :N DELINQUENT MOS: CSED :04-15-2013 PARENTS AT HOME:0
 ISSC : PREPARER : POLITICAL CHECKOFF: 0 OTHER CHILDREN: 0
 CISSC :1 BUSINESS EIN: ELDERLY CREDITS: 0 OTHER EXEMTNS: 0
 HIGH-INC :0 SCHEDL F EIN: ES TAX FORGIVNESS: 00% EIC EXEMPTION: 0
 ES DISC : CCC: ES PENLTY EXCPTN 5: 0
 INDS:CCC'P'

WAGES	21,255.00	TOTAL TAX	.00	WITHOLDING	1,154.00-
INTRST INCM	9.00	TENTTAX CMP	688.00	REMITTANCE	.00
ITEMZD DED	.00	TOTTAX -IRA	.00	CREDIT ELECT	.00
TXBLE INC	6,871.00	SE TAX	.00	ADVANC'D EIC	.00
TOT POS INC	22,771.00	AGI	22,771.00	ES TAX CRED	.00
P SE INCM	.00	P INJ SPOUSE	.00	ES TAX BASE	.00
S SE INCM	.00	S INJ SPOUSE	.00	PY ES TXBSE	.00
P SS MEDCARE	.00	P MEDCAR TIP	.00	P UNRPT TIP	.00
S SS MEDCARE	.00	S MEDCAR TIP	.00	S UNRPT TIP	.00

PAGE 001 OF 001 IMFPG 001

INTERNAL REVENUE SERVICE
 RECEIVED
 JUL 06 2005
 Wage & Investment
 Provo, Utah 84606

TOT EXEMPTIONS:03 FMS:
 FSC:4 STATUS:12 STATUS DATE:02172003 AIMS :0
 NEXT CSED:04-15-2013 ASSESSED BAL: .00 SETTLMNT DATE:02172003 LIEN :
 LAST CSED:04-15-2013 TOT INTEREST: .00 INTEREST DATE:03152004 BWI :
 FIRST CSED:04-15-2013 INT ASSESSED: .00 DISASTER RDD : BWNC :0
 ASSED:04-15-2006 INT PAID: .00 DISASTERSTART: CC81 :0
 RSED:04-15-2006 FTP TOTAL: .00 GOVRN SC:09 HIST LC:87 CC85 :0
 FREEZE:V - FTP ASSESSED: .00 MATH IN: TDA COPY: TC914:0

INDICATORS:
 EFT-IND: 5 CAF :
 ARDI :0
 DDRC :10
 TC DATE AMOUNT CYCLE DLN VARIABLE DATA
 150 02172003 .00 20030608 09221-025-18642-3 RECEIVED-DATE: 04152003
 806 04152003 1,154.00- 20030608 09221-025-18642-3
 766 04152003 512.00- 20030608 09221-025-18642-3 REF-NUM:336
 768 04152003 2,191.00- 20030608 09221-025-18642-3
 826 02242003 3,857.00 20030808 09221-999-18642-3 XREF:552-02-8752 30199112
 766 04152003 385.00- 20031208 09254-469-20602-3 REF-NUM:336
 290 03312003 .00 20031208 09254-469-20602-3
 977 03312003 .00 20031208 09254-469-20602-3
 826 04072003 385.00 20031408 09221-999-18642-3 XREF:552-02-8752 30199112
 766 07282003 578.50- 20032908 09254-999-05099-3 REF-NUM:338
 PAGE 001 OF 002 IMFPG 002

TC	DATE	AMOUNT	CYCLE	DLN	VARIABLE DATA
290	07282003	.00	20032908	09254-999-05099-3	
826	07282003	578.50	20032908	09254-999-05099-3	

545-27-8803 30200012P01 IMF TAX MODULE
29221-055-36882-1
VAI LATU

NM CTRL:HAFO
SPSSN UP-CYC:27
TOT EXEMPTIONS:03 FMS:

FSC:4 STATUS:12 STATUS DATE:03262001 AIMS :0
NEXT CSED:04-15-2011 ASSESSED BAL: .00 SETTLMNT DATE:03262001 LIEN :
LAST CSED:04-15-2011 TOT INTEREST: .00 INTEREST DATE:04092001 BWI :
FIRST CSED:04-15-2011 INT ASSESSED: .00 DISASTER RDD : BWNC :0
ASED:04-15-2004 INT PAID: .00 DISASTERSTART: CC81 :0
RSED:04-15-2004 FTP TOTAL: .00 GOVRN SC:29 HIST LC:87 CC85 :0
FREEZE:V - FTP ASSESSED: .00 MATH IN: TDA COPY: TC914:0

INDICATORS:

EFT-IND: 0

TC	DATE	AMOUNT	CYCLE	DLN	VARIABLE DATA	DDRC :00
150	03262001	.00	20011108	29221-055-36882-1	RECEIVED-DATE: 04152001	
806	04152001	1,495.00-	20011108	29221-055-36882-1		
768	04152001	2,069.00-	20011108	29221-055-36882-1		
826	04022001	<u>3,564.00</u>	20011308	29221-999-36882-1	XREF:552-02-8752 30199012	

Limhis

EXHIBIT “3”

Transnation Title Insurance Company

TitleWest
3601 North University Avenue
Suite 100
Provo UT 84604
(801) 375-3600
FAX: (801) 356-7168

Transnation Title Insurance Company

Title Insurance Commitment

1st Amendment

Order No: SL002991UA

Reference No: TW230518646

Effective Date: May 12, 2003 at 8:00 a.m.

Schedule A

1. Policies

ALTA Loan Policy (10/17/1992)

Proposed Insured: Family First Federal Credit Union

Amount of Insurance: \$50,000.00

Premium Amount: \$240.00

Endorsements: 100, 116, 8.1

Endorsement Amount: \$55.00

2. The estate or interest in the land described or referred to in this Commitment and covered herein is Fee Simple and is at the effective date hereof vested in:

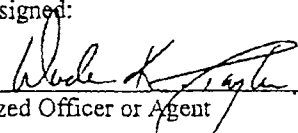
Sion Limihai Latu and Vai I. Latu

3. The land referred to in this Commitment is situated in the County of Utah, State of Utah, and described as follows:

See Exhibit "A" attached hereto, and by this reference made a part hereof:

The mailing address of said property is: 104 South 860 East, Orem, UT 84097

Countersigned:

BY: 
Authorized Officer or Agent

This Commitment is invalid unless Schedules B and Cover are attached.

Transnation Title Insurance Company

Order No: SL002991UA

Reference No: TW230518646

Exhibit "A"
(Legal Description)

Lot 32, Plat "A", DEL-MITCH ESTATES SUBDIVISION, according to the official plat thereof on file in the office of the Recorder, Utah County, Utah.

The following is shown for information purposes only: Tax ID No. 37:010:0032

Title West Title Company

Privacy Policy

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information-particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our underwriters, The First American Corporation, Stewart Title Guaranty Company and Transnations Title Insurance Company we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use to the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we received from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us; and

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Transnation

Transnation Title Insurance Company

Order No: SL002991UA

Reference No: TW230518646

Schedule B - Section I Requirements

THE FOLLOWING ARE THE REQUIREMENTS TO BE COMPLIED WITH.

1. Trust Deed or other approved security instrument, executed by the appropriate parties.
2. Payoff or bring current all Special Assessments and/or connections fees.
3. Obtain Reconveyance(s), Release(s) and or Satisfaction(s) of any Trust Deeds, Mortgages, Judgments, State or Federal Liens shown in Schedule B Part II herein.
4. Pay the full consideration to, or for the account of, the grantors or mortgagors.
5. Pay all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
6. Satisfactory evidence should be had that improvements and/or repairs or alterations thereto are completed, that contractor, sub-contractors, labor and materialmen are all paid, and have released of record all liens or notice of intent to perfect a lien for labor or material.
7. Pay all premiums, fees and charges for this report, and any Policy issued hereunder.
8. Provide the Company, in writing, with instructions as to the full nature of the transaction, including but not limited to: Names of any party not referred to in this commitment who will receive an interest in the land, or who will be named as a proposed insured (Owner and/or Lender) and amounts (Owners and/or Lenders) of policies to be issued. Additional requirements or exceptions may then be made.

NOTICE TO APPLICANT. The land covered herein may be served by districts or service companies and/or municipalities which assess charges for water, sewer, electricity and other utilities, etc , which are not covered by this report or insured under a Title Insurance Policy issued hereunder.

Transnation Title Insurance Company

Order No: SL002991UA

Reference No: TW230518646

Schedule B - Section II
Exceptions

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession, or claiming to be in possession, thereof.
2. Easements, liens, encumbrances, or claims thereof, which are not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey of the land would disclose, and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency, which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
7. Any Service, installation, connection, maintenance or construction charges for sewer, water, electricity or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.
8. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

Exception Numbers 1 through 8 will not appear in any Extended Coverage Mortgage Policy to be issued hereunder.

9. Taxes for the year 2003 are now a lien, but not yet due.
Tax ID No. 37:010:0032. (2002 taxes were paid in the amount of \$880.67)
Taxing District No. 90
10. The land herein is located within the boundaries of Orem City and is subject to charges and assessments levied thereby. (For current status call Shirley at 229-7002.)
11. Covenants, Conditions and Restrictions, if any, appearing in the public records.
12. Any easements or rights of way appearing in the public records.
13. Any lease, grant, exception or reservation of minerals or mineral rights appearing in the public records.
14. DEED OF TRUST
Trustor: Sion Limihai Latu and Vai I. Latu
Trustee: Ray M. Harding, Jr.
Beneficiary: Universal Campus Federal Credit Union
Amount: A Line of Credit with a Maximum of \$52,000.00, plus interest
Dated: June 30, 1987
Recorded: June 30, 1987

Transnation

Transnation Title Insurance Company

Entry No.: 25559

Book/Page: 2430/479

15. FEDERAL TAX LIEN

Taxpayer: Sione L. and Vai I. Latu

Amount: \$9,198.82

Recorded: August 17, 1992

Entry No. 41927

16. FEDERAL TAX LIEN

Taxpayer: Sione L. & Vai I. Latu

Amount: \$2,706.15

Recorded: November 13, 1992

Entry No. 61386

17. ABSTRACT OF JUDGMENT

City of: Orem

In favor of: Bonneville Billing & Collection

Against: Limihai Latu

Amount: \$807.28, plus interest, costs and fees

Entered: April 3, 1995

Case No.: 950000411

18. FEDERAL TAX LIEN

Taxpayer: Limihai Latu ✓

Amount: \$41,708.28

Recorded: August 8, 1995

Entry No. 51222

2005 -

19. FEDERAL TAX LIEN

Taxpayer: Limihai Latu ✓

Amount: \$1,031.08

Recorded: September 13, 1995

Entry No. 61010

- 2005 -

20. WARRANT IN FAVOR OF THE STATE OF UTAH

Against: Limihai Latu

Amount: \$8,025.72

For: delinquent unemployment compensation contributions

Entered: November 20, 1995

Warrant No.: 956405498

2004

21. ABSTRACT OF JUDGMENT

City of: Provo

In favor of: Bank One

Against: Limihai Latu

Amount: \$88,161.61, plus interest, costs and fees

Entered: March 25, 1996

Case No.: 966400737

2004

22. FEDERAL TAX LIEN

Taxpayer: Sione Limihai & Vai I. Latu

Amount: \$28,699.64

Recorded: May 6, 1996

Entry No. 37585

2006 over

23. ABSTRACT OF JUDGMENT

City of: American Fork

In favor of: INTERMOUNTAIN HEALTH CARE, INC., a Utah Corporation, d/b/a CREDIT ASSURANCE AGENCY

Against: Limihai Latu

Amount: \$1,264.66, plus interest, costs and fees

10/26/99

Transnation Title Insurance Company

Entered: August 17, 1998

Case No.: 980101679

24. The effects, if any, of that certain Decree of Divorce between Sione Limihai Latu, petitioner and Vai I. Latu, respondent recorded October 19, 2000 as Case No. 994402757 in Provo Courts.

25. JUDGMENT IN DECREE OF DIVORCE

In favor of: Vai I. Latu

Against: Sione Limihai Latu

Amount: \$4,834.18

Entered: October 19, 2000

Case No.: 994402757

26. JUDGMENT IN DECREE OF DIVORCE

In favor of: Vai I. Latu

Against: Sione Limihai Latu

Amount: \$4,193.16

Entered: January 24, 2002

Case No.: 994402757

27. JUDGMENT IN DECREE OF DIVORCE

In favor of: Vai I. Latu

Against: Sione Limihai Latu

Amount: \$6,089.60

Entered: February 10, 2003

Case No.: 994402757

28. WARRANT IN FAVOR OF THE STATE OF UTAH

Against: Sione L. Latu and Vai I. Latu

Amount: \$7,675.93

For: Income Tax

Entered: March 20, 2000*

Warrant No.: 006400942

29. JUDGMENT

City Of: Provo

In favor of: Child Support Services Office of Recovery Services

Against: Sione L. Latu

Amount: \$11,716.26, plus interest, costs and fees

Entered: May 7, 2003

Case No.: 016402013

30. WARRANT IN FAVOR OF THE STATE OF UTAH

Against: Sione L. Latu

Amount: \$1,056.71*

For: Income Tax

Entered: July 22, 2002 *

Warrant No.: 026403393

31. WARRANT IN FAVOR OF THE STATE OF UTAH

Against: Sione L. Latu

Amount: \$184.52*

For: Income Tax

Entered: July 22, 2002*

Warrant No.: 026403394

32. ABSTRACT OF JUDGMENT

City of: American Fork

In favor of: INTERMOUNTAIN HEALTH CARE, INC., a Utah Corporation, d/b/a CREDIT ASSURANCE AGENCY

Against: Sione Latu*

Amount: \$440.50, plus interest, costs and fees

Transnation

Transnation Title Insurance Company

Entered: January 31, 2003

Case No.: 02012353

NOTE: Judgments were checked as to Sion Limihai Latu and Vai I. Latu and no unsatisfied judgments were found, except as shown.

Addendum 8

LORIE D. FOWLKE (6875)
PAUL WALDRON (7660)
SCRIBNER & MCCANDLESS, P.C.
2696 North University Ave. Suite 220
Provo, Utah 84604
Telephone: (801) 375-5600
Facsimile: (801) 375-5607
Attorneys for Respondent

IN THE FOURTH JUDICIAL DISTRICT COURT,
UTAH COUNTY, STATE OF UTAH

SIONE LIMIHAI LATU,

Petitioner,

vs.

VAI I. LATU,

Respondent.

AFFIDAVIT OF ATTORNEY'S FEES

Civil No. **994402757**
Judge: **Schofield**
Division **6**

STATE OF UTAH)
 :ss
COUNTY OF UTAH)

Lorie D. Fowlke, having been first duly sworn upon her oath, deposes and says as follows:

1. I make this affidavit upon my own personal knowledge. I am competent to testify to the matters set forth herein.

2. I am an attorney licensed to practice law within the State of Utah.

3. I have represented the Respondent in the instant matter and am acquainted with the circumstances of said matter.

4. The legal basis for the award of attorneys fees is statutory and common law.

5. The nature of the work performed by me consisted of the following:

04-07-05	Conference with client; Preparation of Motion and Order to Show Cause and Affidavit of Vai; Instructions to staff	1.80 hr.
04-13-05	Review of documents; Revision of Motion and Order to Show Cause and Affidavit; Instructions to staff	0.40 hr.
07-01-05	Prepare for Court Appearance, Court Appearance	1.40 hr.
07-01-05	Preparation on Order on Order to Show Cause, Instructions to staff	0.50 hr.
07-06-05	File review and analysis of Tax Documents, Preparation of Affidavit of Vai, Revision of Order	0.50 hr.
	TOTAL HOURS	4.60 hrs.

6. Petitioner has been required to incur attorney's fees in the amount of \$805.00.

Said fee is based upon a rate of \$175.00 per hour for a period of 4.60 hours.


7. A reasonable fee for the work performed is the sum of \$805.00, which is a reasonable fee for comparable legal services.

8. Petitioner has been required to incur costs in the amount of \$32.44 for the following expenses:

04-30-05	Copies	\$ 1.35
05-09-05	Service of the Order to Show Cause	\$ 28.50
05-31-05	Postage	\$ 1.48
06-30-05	Postage	\$ 1.11
	TOTAL COSTS	\$32.44

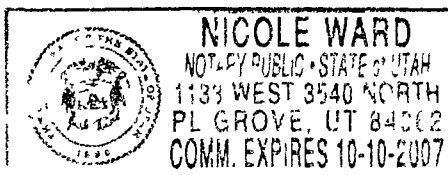
12. The total cost for attorney's fees and costs in this matter is a total of \$837.44

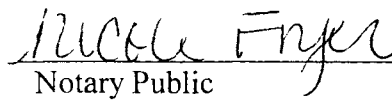
DATED and signed this 13 day of July, 2005.


LORIE D. FOWLKE
Attorney for the Respondent

State of Utah)
 §
County of Utah)

Subscribed and sworn to before me this 13 day of July, 2005.

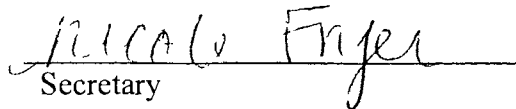



Notary Public

MAILING CERTIFICATE

I hereby certify that I mailed a true and correct copy of the foregoing, postage prepaid, on this 13 day of July, 2005, to the following:

Limhi Latu
2274 North 390 East
Provo, UT 84604


Secretary