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IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA

SUSAN D. JUSTICE,
PETITIONER,

V.

CIVIL ACTION NO. 08-D-505

DENVER D. JUSTICE,
RESPONDENT,

ORDER

Comes now the Court and pursuant to Section 51-2a-14(a) and provisions of the West Virginia Rules of Practice and Procedure for Family Court does refuse to consider the Petition for Appeal herein. This refusal shall constitute a Final Order disposing of the Appeal.

ENTER this 13th day of July, 2009.

Roger L. Perry

Roger L. Perry, Judge
JUL 13 P 3:55

A COPY TESTE:
ALVIS PORTER, CLERK
BY *D. Runyon*

DEPUTY

IN THE FAMILY COURT OF LOGAN COUNTY, WEST VIRGINIA

**IN RE:
THE MARRIAGE OF:**

**SUSAN D. JUSTICE,
Petitioner,**

vs.

CIVIL ACTION NO. 08-D-505

**DENVER D. JUSTICE,
Respondent.**

FINAL ORDER OF APRIL 10, 2009

FILED
APR 10 2009
2:39 PM
SERVED & FILED

The parties appeared, via telephone on the above, date for purposes of having the Court make findings and rulings consistent with the evidence presented and testimony heard in the above entitled matter.

FINDINGS

Accordingly, based upon the testimony presented, the Court finds of fact the following, to wit:

1. The Court finds that it has jurisdiction over the parties and venue over the subject matter before the Court.
2. That the parties hereto were married on July 13, 1983, at Grundy County, Virginia, and last lived and cohabited at or near Chapmanville, Logan County, West Virginia, on or about the 26th day of September, 2008.
3. That neither party to these proceedings is a member of the military service of the United States of America, an incarcerated convict, an alleged incompetent or under the age of eighteen.
4. The Court specifically finds that no child remains under the age of eighteen (18)

in this marriage and therefore no issues are presented in connection with the parenting plan or child support.

5. The Court also finds that irreconcilable differences have arisen during the course of the marriage and as such, renders the parties incapable of living together as man and wife and accordingly grants the divorce on the grounds of irreconcilable differences.

6. The Court specifically addresses the alimony and equitable distribution issues, as was litigated before the Court, shall be set forth in the ruling as herein follows.

ORDER

1. Accordingly, it is the **JUDGMENT** and **ORDER** of the Court that the parties hereto and each are divorced from the other based upon the grounds of irreconcilable differences.

2. It is the further **JUDGMENT** and **ORDER** of the Court that as no child of this marriage is under the age of eighteen (18), no child support or related issues to allocation of parenting time are presented and accordingly, none is granted.

3. It is the further **JUDGMENT** and **ORDER** of the Court that based upon the agreement of the parties that the parties hereto have sold the former marital residence and from the proceeds generated from the sale, the Respondent herein shall receive a reduction of debt (Conrad credits) from the date of the parties' separation until the date of the sale of the marital residence; additionally, the Petitioner herein shall receive \$3,000.00 for the accrued alimony as ordered by the Temporary Order of this Court. *The remainder to be divided equally. PBC*

4. It is the further **JUDGMENT** and **ORDER** of the Court that the furnishings of the marital parties shall be sold by Ms. Justice and that all costs associated with the storing, transporting or other costs associated with the sale of the same shall be shared equally between

the parties and the proceeds generated after that sale shall be divided; the Court did grant unto the Petitioner the option of receiving the fireplace and television for the sum of \$1,350.00, with Mr. Justice receiving the first \$670.00 from any payments generated from the sale should Ms. Justice exercise the option of taking the fireplace and television.

5. With respect with the equitable distribution issues before the Court, the Court specifically finds that the vehicles and other assets allocated to Ms. Justice, as well as the credit card and related indebtedness related to Mr. Justice, and that she has an advantage of a greater value than Mr. Justice considering the equitable distribution and accordingly makes up this difference by reducing the alimony award to \$500 a month continuing from the Temporary Order to and including November 23, 2009; thereafter the sum of \$1,000 per month spousal support shall be paid, all until such time as Ms. Justice remarries, dies or further order of the Court, this specifically is a permanent award of alimony by the Court.

6. That all retirement accounts set forth in the respective exhibits and the financial disclosures herein shall be preserved and protected by a Qualified Domestic Relations Order prepared by each party seeking to protect his or her interest in the other's retirement accounts, 401k accounts and other accounts of the parties.

7. There being nothing further before this Court the matter was adjourned and this Order directed to be prepared embracing the Court's final ruling.

8. It is the further **JUDGMENT** and **ORDER** of this Court that the undersigned Counsel has performed all his services associated with this action and is hereby relieved as Counsel of Record.

9. This Order is a **FINAL ORDER** of the Family Court of Logan County and goes

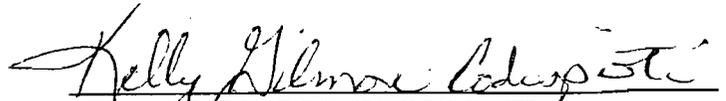
into effect as of the date of the entry of this **FINAL ORDER**. Any party who does not agree with this Order may appeal this Order to the Circuit Court of Logan County, West Virginia within 30 days of entry; or by agreement of all parties, directly to the West Virginia Supreme Court of Appeals within 14 days of the entry, by a joint Notice of Intent to Appeal and a Waiver of the right to appeal. Further information regarding this Notice and the appellate rules may be found in the Rules of Procedure for Family Court.

10. And it appearing to the Court that there is nothing further to be done in this cause at this time, it is **ORDERED** that the same be omitted from the docket of this Court.

11. It is further **ORDERED** that the Clerk of the Court shall provide an attested copy of this Order to Bernard L. Spaulding, P.O. Box 957, Logan, WV 25601 and to Peter A. Hendricks, P.O. box 55, Madison, WV 25130.

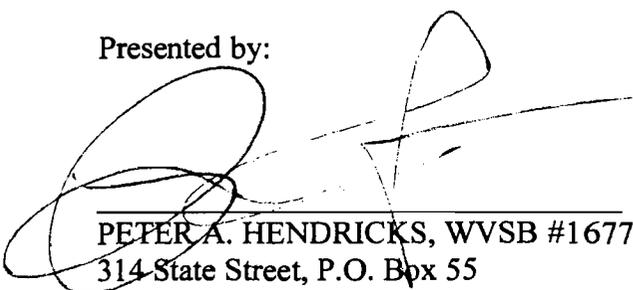
All of which is **ADJUDGED, ORDERED** and **DECREED**.

ENTERED this 18th day of May, 2009.


KELLY GILMORE CODISPOTI
JUDGE

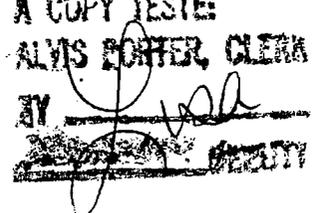
Presented by:

Approved by:


PETER A. HENDRICKS, WVSB #1677
314 State Street, P.O. Box 55
Madison, WV 25130
(304) 369-6605
Counsel for Petitioner

BERNARD L. SPAULDING, WVSB # _____
P.O. Box 957
Logan, WV 25601
(304) 752-4950
Counsel for Respondent

ENTERED IN CIVIL ORDER BOOK 285
PAGE 274
DATE 5-18-09

A COPY TESTE:
ALYIS FORSTER, CLERK
BY 
CLERK

IN THE FAMILY COURT OF LOGAN COUNTY, WEST VIRGINIA

IN RE: THE MARRIAGE OF SUSAN D. JUSTICE,
DENVER D. JUSTICE,

Petitioner, and
Respondent.

Civil Action No. 08-D-505

CLARIFICATION ORDER

On a previous day it was brought to the attention of the Court that two orders entitled "Final Order of April 10, 2009" had been entered by the Court, on May 18, 2009, and May 29, 2009.

The order signed by the Court on May 18, 2009, and entered on May 18, 2009, with the Circuit Clerk, recorded in Book 285 at Page 274, is the final order of the Court.

The Clerk is hereby Ordered to serve certified copies of this Order upon all parties of record at the following addresses:

Susan D. Justice
c/o Peter Hendricks, Esquire
314 State Street, P. O. Box 55
Madison, WV 25130

Denver D. Justice
c/o Bernard Spaulding, Esquire
P. O. Box 957
Logan, WV 25601

There appearing nothing further to be done this matter shall be stricken from the active docket of the Court.

All of which is accordingly ADJUDGED, ORDERED, and DECREED.

ENTER this 16th day of June, 2009.

ENTERED IN CIVIL ORDER BOOK 285
PAGE 714
DATE 6-18-09

Kelly Gilmore Coates
KELLY GILMORE COATES
FAMILY COURT JUDGE
ADRS PORTER, CLERK
BY [Signature]
DEPUTY

JUN 23 2009

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ENTER this 16th day of June, 2009.

Kelly Gilmore Codispoti
KELLY GILMORE CODISPOTI
FAMILY COURT JUDGE

A COPY TRUST

A. Cuny

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2009 JUN 18 A 10:41
JAMES FORTEN
CIRCUIT CLERK
LOGAN COUNTY, WEST VIRGINIA