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IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR VOLUSIA COUNTY, FLORIDA

CASE NO. 91-0431-FMCI DIVISION "35" (J. Graham)

IN RE:

The Marriage of

JANET C. OVERBEY,

Petitioner/Former Wife.

and

LIA VIEL L. OVERBEY,

Respondent/Former Husband.

Doc#: 0410316122

Eugene "Gene" Moore Fee: \$26.50 Cook County Recorder of Deeds Date: 04/12/2004 01:07 PM Pg: 1 of 2

ORDER ON MOTION FOR ENTRY OF INCOME DEDUCTION ORDER AND CONTEMPT AND MOTION FOR ENFORCEMENT OF ORDER

THIS MATTER was heard on January 8, 2004 and reheard on February 25, 2004, on (a) the Former Wife's Motion for Enforcement of Order and (b) the Former Wife's Motion for Entry of Income Deduction Order and Contempt [collectively the "Motions"]. Based on the testimony of the parties, the Affidavit of the , the Affidavit as to Attorney's Fees, the Motions, review of the court file, and being otherwise fully advised in the pramises, it is ---

ADJUDGED AS FOLLOWS:

- 1. The respondent, DANIEL L. OVERPEY, [the "Former Husband"], is \$3,900 in arrears in the payment of the child support payments required by the Order Granting Supplemental Petition for Upward Modification of Child Support and Motion for Attorney's Fees and Denying the Former Husband's Alternative Response and Relief [the "Order"] on February 25, 2003.
- 2. The Former Husband has failed to pay the attorney fees of \$4,907.63 per the Order.
 - 3. The Former Husband is not intentionally unemployed at this time.
- 4. The Former Wife is hereby awarded her attorney's fees and costs of \$799.25 to secure the collection of the child support and enforce the Order awarding attorney's fees to the Former Wife as of the hearing on January 8, 2004. This award is without prejudice to the Former Wife requesting additional fees and costs for the period after the January 8, 2004 hearing. If the parties cannot agree on the additional attorney fee award, then either party may notice that matter for hearing.
- 5. The Former Husband shall not sell or transfer or otherwise encumber or convey his interest in the residence located at 823 North Grove Avenue, Oak Park, Illinois [the "Illinois residence"] without paying the following amounts: (a) attorney's fees to Catherine G. Swain, Esquire of \$4,907.63 plus interest at the judgment rate from February 25, 2003 to date of

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Diane M. Matousek

Volusia County, Clerk of Court

payment; (b) child support arrearages of \$3,900 plus interest to the Former Wife at the judgment rate from February 25, 2004 to date of payment; and (c) attorney's fees to Catherine G. Swain. Esquire of \$799.25. If the Former Husband's share of the net sale proceeds or equity is not sufficient to pay the amounts identified in this paragraph, then the Former Husband shall continue to pay the \$1,300 per month payment as set forth in paragraph 6 below until such awards are satisfied.

Pending the sale or transfer of the interest of the Former Husband in the Illinois residence the Former Husband shall continue to pay the sum of \$1,300 per month in child support as previously ordered on February 25, 2003. Upon the completion of the payment of the child support obligation as set forth in the order (including the arrearages of \$3,900 plus interest as established by this order), the Former Husband shall commence making payments of \$1,300 per month to the Former Wife's attorney to pay the attorney's fees identified in paragraph 5(a) and 5(c) above if the Former Husband has not satisfied those attorney fee awards at the conclusion of his satisfaction of the child support payments. An income deduction order shall be entered to enforce the payments of these amounts on a monthly basis by the Former Husband. It this court does not have jurisdiction over the Former Husband's employer, then the Former Husband shall instruct his employer to deduct the amounts set forth in the income deduction order and send them to the Former Wife or her attorney, as applicable.

7. This court reserves jurisdiction of the parties, and the subject matter for purposes of the enforcement an immedification of this order. March

SO ORDERED at Daytona Berich, Florida, this

day of February, 2004, nunc pro

tunc to February 25, 2004.

Kircuit Judge

Conformed copies to:

Catherine G. Swain, Esquire Daniel L. Overbey, Esquire

STATE OF FLORIDA, VOLUSIA COUNTY I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office. This

C/Option Office

Clerk of Circuit and County Court

Deputy Clerk

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