

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
FAMILY COURT DIVISION

In Re The Marriage of:

Judge Kathleen D. Sheehy

ILHAN ABDULLAHI OMAR,
Petitioner

Case No. 27-FA-17-3331

and

AHMED NUR SAID ELMI,
Respondent

**FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER FOR
JUDGMENT AND JUDGMENT AND DECREE**

This matter comes before the Honorable Kathleen Sheehy, Judge of District Court, on December 4, 2017, upon Petitioner's request that judgment by default be entered against Respondent. Petitioner appeared with her attorney, Carla Kjellberg, Esq. Respondent did not appear. More than 50 days have passed since service of the Summons and Petition upon Respondent by publication. Respondent was served with notice on August 31, 2017, September 7, 2017, and September 14, 2017, that Petitioner would seek a default judgment in the event that Respondent did not serve and file an Answer. Respondent is in default.

Based upon all of the evidence presented, the exhibits, and review of the entire Court file, this Court, being fully advised makes the following:

FINDINGS OF FACT

1. The parties' names, addresses, birth dates, and ages are as follows:

Petitioner:

Ilhan Abdullahi Omar
2621 6th Street South
Minneapolis, MN 55454
DOB: October 4, 1982

Respondent:

Ahmed Nur Said Elmi
Address Unknown
DOB: April 4, 1985

The Social Security number of the Petitioner has been filed as confidential information.

2. Petitioner is represented in these proceedings by: Carla C. Kjellberg, Kjellberg Law Office, PLC, 2356 University Avenue West #230, St. Paul, MN 55114; I.D. No. 0145476.

The Respondent is Pro Se.

3. Petitioner has resided in Minnesota for 180 days prior to commencement of this proceeding, and was a resident of Hennepin County at the time of commencement of this proceeding.

4. The parties were married in February of 2009, in Eden Prairie, Minnesota, and ever since have been and still are married.

5. There has been an irretrievable breakdown of the marriage relationship between the parties. The parties have been separated for a time greater than three years.

6. To the best of Petitioner's knowledge, no separate proceeding for dissolution or legal separation is pending in any court in this state or elsewhere.

7. Neither party has been a member of the armed forces of the United States and has not been since the pendency of this proceeding. Accordingly, the Service members Civil Relief Act of 2003 does not apply.

8. There are no children born of this marriage relationship. There is one minor child born during this marriage relationship:

Ilwad ^{Hirsi}~~Hersi~~ born on June 11, 2012

The Respondent is not the father of Ilwad Hersi. Her father is Ahmed Hirsi, and he and Petitioner signed a recognition of parentage on June 11, 2012.

The Respondent has not signed a declaration of non-paternity as the Petitioner has had no contact with him since before the child was conceived. KDS

9. Petitioner is not now pregnant.

10. **INCOME.** The parties receive the following income:

a. **Petitioner's Income.** The Petitioner is a member of the Minnesota House of Representatives. Petitioner has a gross annual salary of approximately \$31,000.00.

b. **Respondent's Income.** The Petitioner is without knowledge of Respondent's income.

11. **REAL PROPERTY.** To the best of Petitioner's knowledge, there is no real property owned by the parties.

12. **ASSETS.** The parties have the following assets.

a. **Vehicles.** The parties are the owners of a Toyota Camry in Petitioner's possession. It is unknown whether Respondent is in possession of a vehicle.

b. **Pensions, IRAs, or Other Retirement Benefits.** The parties have an interest in the following retirement accounts or plans in Petitioner's possession:

Minnesota PERA Pension.

It is unknown whether Respondent is in possession of any retirement accounts or plans.

c. **Checking, Savings, and Investment Accounts.** The parties are the owners of various checking, savings, and investment accounts as follows:

Petitioner's checking and savings accounts.

It is unknown whether Respondent is in possession of any checking, savings, or investment accounts.

d. **Personal Property.** The parties are the owners of miscellaneous personal property, household goods, and furnishings, furniture and appliances, which has been divided.

13. **DEBTS.** The parties have no marital debts.

14. **HEALTH AND DENTAL INSURANCE FOR PARTIES.** The Petitioner has health, dental, and vision insurance coverage provided by her employer. The Petitioner has no knowledge of Respondent's health insurance.

15. **PUBLIC ASSISTANCE.** Petitioner does not receive any form of public assistance as defined by Minn. Stat. §256.741. It is unknown if Respondent receives any form of public assistance.

CONCLUSIONS OF LAW

1. **DISSOLUTION OF MARRIAGE.** The marriage existing between the parties is dissolved.

2. **SPOUSAL MAINTENANCE.** That neither party will receive spousal maintenance, past, present, or future.

3. **MEDICAL, HOSPITALIZATION, AND DENTAL INSURANCE.** Neither party will be obligated to furnish medical, hospital, or dental insurance for the other.

4. **ASSETS AWARDED TO PETITIONER.** In addition to any other property awarded to the Petitioner in this Judgment and Decree, Petitioner is also awarded as her full and final interest in the property of the parties, free and clear of any interest on the part of Respondent, and as a full and final property settlement, the exclusive title to and ownership of the following described property:

a. **Vehicles.** The Toyota Camry automobile in her possession, subject to any encumbrance thereon, which she shall be responsible for and pay.

b. **Pensions, IRAs, or Other Retirement Benefits.** Any and all retirement accounts in the Petitioner's possession.

c. **Checking and Savings Accounts.** Petitioner's separate bank checking and savings accounts.

d. **Personal Property.** All right, title, and interest in and to all of her separate bank accounts, insurance policies, and any and all other personal property, furniture, or furnishings owned by and/or in her possession or under her control, regardless of whether such property is specifically referred to above.

5. **ASSETS AWARDED TO RESPONDENT.** In addition to any other property awarded to the Respondent in this decree, Respondent is awarded as his full and final interest in the property of the parties, free and clear of any interest on the part of Petitioner, and as a full and final property settlement, the exclusive title to and ownership of the following described property:

a. **Vehicles.** Any automobile in his possession, subject to any encumbrance thereon, which he shall be responsible for and pay.

b. **Pensions, IRAs, or Other Retirement Benefits.** Any and all retirement accounts in the Respondent's possession.

c. **Checking and Savings Accounts.** Respondent's separate bank checking and savings accounts.

d. **Personal Property.** All right, title and interest in and to all of his separate bank accounts, insurance policies, and any and all other personal property, furniture, or furnishings owned by and/or in his possession or under his control, regardless of whether such property is specifically referred to above.

6. **DEBTS.** Any bill, obligation, or debt incurred by either party after the date of separation is exclusively the obligation of the party incurring it, and the other party shall be held harmless on it. In the event that there is a debt obligation that has not been disclosed by either party, that obligation shall become the sole responsibility of the party who incurred it. Neither party shall contract any debt, charge, or liability in the future for which the other party may become liable.

7. **ATTORNEY FEES.** Each party is responsible for their own individual attorney and expert fees and costs incurred in this proceeding.

8. **DOCUMENTS OF CONVEYANCE.** Each of the parties shall, upon demand, now or in the future, execute, acknowledge, and/or deliver any and all documents necessary to carry out the terms and conditions of this agreement and Judgment and Decree. If a party is unable, unavailable, or refuses to do so, a certified copy of this Judgment and Decree of dissolution may be recorded and/or utilized with the same force and effect as if a deed, conveyance, transfer, assignment, or other document had been personally executed, acknowledged, and delivered to that party. If

a party refuses to cooperate, the other party shall be entitled to collect all reasonable attorney fees and other costs in connection with enforcement of this agreement and Judgment and Decree due to the failure of a party.

ORDER FOR JUDGMENT

NOTWITHSTANDING GEN. R. PRAC. 125,
LET JUDGMENT BE ENTERED IMMEDIATELY

BY THE COURT:

Kathleen Sheehy

Judge of District Court

Dated: December 4, 2017

I hereby certify that the above Conclusions of Law constitute the Judgment and Decree of the Court.

DECREE ENTERED AND
JUDGMENT FILED

Dated: 4:04 pm, Dec 04, 2017, 2017.

IT IS HEREBY ADJUDGED THAT JUDGMENT
IS ENTERED AS STATED ABOVE.
ATTEST: Family Court Administrator

By: _____
Deputy

APPENDIX A

NOTICE IS HEREBY GIVEN TO THE PARTIES:

I. PAYMENTS TO PUBLIC AGENCY. According to Minnesota Statutes, section 518A.50, payments ordered for maintenance and support must be paid to the Minnesota child support payment center as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. Parents mail payments to: P.O. Box 64326, St. Paul, MN 55164-0326. Employers mail payments to: P.O. Box 64306, St. Paul, MN 55164.

II. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS -- A FELONY. A person may be charged with a felony who conceals a minor child or takes, obtains, retains, or fails to return a minor child from or to the child's parent (or person with custodial or parenting time rights), according to Minnesota Statutes, section 609.26. A copy of that section is available from any court administrator.

III. NONSUPPORT OF A SPOUSE OR CHILD – CRIMINAL PENALTIES. A person who fails to pay court-ordered child support or maintenance may be charged with a crime, which may include misdemeanor, gross misdemeanor, or felony charges, according to Minnesota Statutes, section 609.375. A copy of that section is available from any district court clerk.

IV. RULES OF SUPPORT, MAINTENANCE, PARENTING TIME.

- A. Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.
- B. Payment of support must be made as it becomes due, and failure to secure or denial of parenting time is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.
- C. Nonpayment of support is not grounds to deny parenting time. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minnesota Statutes, section 548.091.
- D. The payment of support or spousal maintenance takes priority over payment of debts and other obligations.
- E. A party who accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.
- F. Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.
- G. *A Parental Guide to Making Child-Focused Parenting-Time Decisions* is available from any court administrator.
- H. The nonpayment of support may be enforced through the denial of student grants; interception of state and federal tax refunds; suspension of driver's, recreational, and occupational licenses; referral to the department of revenue or private collection agencies; seizure of assets, including bank accounts and other assets held by financial institutions; reporting to credit bureaus; interest charging, income withholding, and contempt proceedings; and other enforcement methods allowed by law.
- I. The public authority may suspend or resume collection of the amount allocated for child care expenses if the conditions of Minnesota Statutes, section 518A.40, subdivision 4, are met.
- J. The public authority may remove or resume a medical support offset if the conditions of section 518A.41, subdivision 16, are met.
- K. The public authority may suspend or resume interest charging on child support judgments if the conditions of section 548.091, subdivision 1a, are met.

V. MODIFYING CHILD SUPPORT. If either the obligor or obligee is laid off from employment or receives a pay reduction, child support may be modified, increased, or decreased. Any modification will only take effect when it is ordered by the court, and will only relate back to the time that a motion is filed. Either the obligor or obligee may file a motion to modify child support, and may request the public agency for help. UNTIL A MOTION IS FILED, THE CHILD SUPPORT OBLIGATION WILL CONTINUE AT THE CURRENT LEVEL. THE COURT IS NOT PERMITTED TO REDUCE SUPPORT RETROACTIVELY.

VI. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION 3. UNLESS OTHERWISE PROVIDED BY THE COURT:

- A. Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, police reports, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.
- B. Each party has the right to be informed by the other party as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.
- C. Each party has the right to be notified by the other party of an accident or serious illness of a minor child, including the name of the health care provider and the place of treatment.
- D. Each party has the right to be notified by the other party if the minor child is the victim of an alleged crime, including the name of the investigating law enforcement officer or agency. There is no duty to notify if the party to be notified is the alleged perpetrator.
- E. Each party has the right of reasonable access and telephone contact with the minor children.

VII. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE. Child support and / or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes, section 518A.53, have been met. A copy of that section is available from any court administrator.

VIII. CHANGE OF ADDRESS OR RESIDENCE. Unless otherwise ordered, each party shall notify the other party, the court, and the public authority responsible for collection, if applicable, of the following information within ten days of any change: residential and mailing address, telephone number, driver's license number, social security number, and name, address, and telephone number of the employer.

IX. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE. Basic support and / or spousal maintenance may be adjusted every two years based upon a change in the cost of living (using the U.S. Department of Labor, Bureau of Labor Statistics, consumer price index Mpls. St. Paul, for all urban consumers (CPI-U), unless otherwise specified in this order) when the conditions of Minnesota Statutes, section 518A.75, are met. Cost of living increases are compounded. A copy of Minnesota Statutes, section 518A.75, and forms necessary to request or contest a cost of living increase are available from any court administrator.

X. JUDGMENTS FOR UNPAID SUPPORT; INTEREST. According to Minnesota Statutes, section 548.091:

- A. If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment

- is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment **without notice** to the person responsible to make the payment.
- B. Interest begins accruing on a payment or installment of child support whenever the unpaid amount due is greater than the current support due.

XI. JUDGMENTS FOR UNPAID MAINTENANCE. A judgment for unpaid spousal maintenance may be entered and docketed when the conditions of Minnesota Statutes, section 548.091, are met. A copy of that section is available from any court administrator.

XII. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD SUPPORT. A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of Minnesota Statutes, section 518A.735, are met. A copy of that section and forms necessary to request or contest these attorney fees and collection costs are available from any court administrator.

XIII. PARENTING TIME EXPEDITOR PROCESS. On request of either party or on its own motion, the court may appoint a parenting time expeditor to resolve parenting time disputes under Minnesota Statutes, section 518.1751. A copy of that section and a description of the expeditor process is available from any court administrator.

XIV. PARENTING TIME REMEDIES AND PENALTIES. Remedies and penalties for wrongful denial of parenting time are available under Minnesota Statutes, section 518.175, subdivision 6. These include compensatory parenting time; civil penalties; bond requirements; contempt; and reversal of custody. A copy of that subdivision and forms for requesting relief are available from any court administrator.

In addition to the Notices on pages 8-10 above, the following NOTICE applies to all orders addressing custody pursuant to Minn. Stat. § 518.17, subd. 3a.

NOTICE

EACH PARTY IS GRANTED THE FOLLOWING RIGHTS:

1. Right of access to, and to receive copies of, school, medical, dental, religious training, police reports, and other important records and information about the minor children.
2. Right of access to information regarding health or dental insurance available to the minor children.
3. Right to be informed by the other party as to the name and address of the school of attendance of the minor children.
4. Right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent-teacher conferences. The school is not required to hold a separate conference for each party, unless attending the same conference would result in violation of a court order prohibiting contact with a party.
5. Right to be notified by the other party of an accident or serious illness of a minor child, including the name of the health care provider and the place of treatment.
6. Right to be notified by the other party if the minor child is the victim of an alleged crime, including the name of the investigating law enforcement officer or agency. There is no duty to notify if the party to be notified is the alleged perpetrator.
7. Right to reasonable access and telephone or other electronic contact with the minor children.