

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT – FAMILY DIVISION
FOURTH JUDICIAL DISTRICT
DISSOLUTION WITH CHILDREN

In Re The Marriage Of:

Court File No.: 27-FA-19-6661

Ilhan Abdullahi Omar,

Petitioner,

and

Ahmed Abdisalan Hirsi,

Respondent.

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

The above-entitled proceeding came on for administrative review pursuant to Minn. Stat. § 518.13 before the Honorable Mike Furnstahl, Referee of Hennepin County District Court, at the Hennepin County Family Justice Center, 110 South Fourth Street, Minneapolis, Minnesota, on the 5th day of November, 2019, based on the stipulation of the parties as set forth herein.

Jaime Driggs and the law firm of Henson & Efron, P.A., represent Petitioner Ilhan Abdullahi Omar (hereinafter “Wife”). Laurie A. Cylkowski and the law firm of Cylkowski Law Office, P.A., represent Respondent Ahmed Abdisalan Hirsi (hereinafter “Husband”).

The parties reached agreements on all issues related to dissolution of the marital relationship and it is the desire of the parties to memorialize those agreements herein.

NOW, THEREFORE, based on the parties’ Stipulation, and upon all of the files, records and proceedings herein, the Court hereby makes the following Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree:

FINDINGS OF FACT

1. **Wife's Information.** The true and correct name of Wife is Ilhan Abdullahi Omar. Wife has not been known by other names. Wife is a resident of Hennepin County. Wife's mailing address is 220 South Sixth Street, Suite 1800, Minneapolis, Minnesota 55402. Wife was born on October 4, 1982, and is now thirty-seven (37) years old. Wife's attorneys in this proceeding are Jaime Driggs, and the law firm of Henson & Efron, P.A., 220 South Sixth Street, Suite 1800, Minneapolis, Minnesota 55402.
2. **Husband's Information.** The true and correct name of Husband is Ahmed Abdisalan Hirsi. Husband was formerly known as Ahmed Abdisalan Aden. Husband is a resident of Hennepin County. Husband's mailing address is 1 Main Street SE, Suite 206, Minneapolis, Minnesota 55414. Husband was born on January 1, 1980, and is now thirty-nine (39) years old. Husband's attorneys in this proceeding are Laurie A. Cylkowski and the law firm of Cylkowski Law Office, P.A., 4590 Scott Trail, Suite 210, Eagan, Minnesota 55122.
3. **Marriage.** The parties were married on January 5, 2018, in Minneapolis, Minnesota, and ever since that time have been, and now are, husband and wife.
4. **Residency.** The parties have been residents of the State of Minnesota for more than 180 days immediately preceding commencement of this action.
5. **Other Proceedings.** No separate proceeding for dissolution of marriage, legal separation, or custody has been commenced by either party and no such proceeding is pending in any court of this state or elsewhere.
6. **Irretrievable Breakdown.** There has been an irretrievable breakdown of the marriage relationship of the parties hereto, within the meaning of Minn. Stat. §518.06.

7. **Armed Services.** Neither party is a member of the Armed Services of the United States of America so as to be entitled to relief under the Servicemembers' Civil Relief Act of 2003.

8. **Order for Protection.** No Order for Protection under Minn. Stat. §518B or a similar law of another state that governs the parties is in effect.

9. **Children.** The parties are the parents of three minor children, namely: Isra Hirsi, born February 22, 2003 and currently sixteen (16) years old; Adnan Hirsi, born November 21, 2005 and currently thirteen (13) years old; and Ilwad Hirsi, born June 11, 2012 and currently seven (7) years old. The parties executed Recognitions of Parentage with respect to each of the three children and such Recognitions are on file with the Minnesota Department of Health, Office of Vital Records. Wife is not now pregnant.

10. **Custody.** The parties agree and the Court finds that the custodial arrangement detailed in Conclusion of Law 2 below is in the minor children's best interests. The parties further agree that if the children return their residence to Minnesota, the issue of their primary residence designation and location is subject to review and renegotiation between the parties based on the best interests of the children.

11. **Employment.** Both parties are employed, able-bodied, and have the economic ability to be self-supporting from their employment.

12. **Child Support.** The parties agree and the Court finds that the parties' arrangements for payment of the children's support detailed in Conclusion of Law 3 below is in the minor children's best interests.

13. **Spousal Maintenance.** Neither party is seeking an award of spousal maintenance from the other.

14. **Division of Assets.** The parties have already divided all of their assets between

themselves and they own no jointly titled assets. The parties have agreed that they each shall be awarded all vehicles, bank accounts, investment accounts, retirement accounts, policies of insurance, and other assets titled in their individual names. The parties have agreed that they each shall be individually responsible for payment of all debts and obligations separately incurred in their respective names. The parties agree and the Court finds that the parties' division of assets is just and equitable.

15. **Discovery.** The parties have chosen not to engage in discovery and are satisfied in entering into this agreement based upon their individual knowledge regarding the financial circumstances of their marriage. Each party acknowledges that they understand they have the right to engage in formal discovery and that they have elected to forgo exercising such right.

16. **Release.** Except as hereinabove provided, each party mutually and expressly released and fully discharged any and all liability, claims, or obligations of any kind or character, whether arising in contract, status, tort, or otherwise, each party has or may have had against the other by reason of their marriage relationship or otherwise, and relinquished any and all interest which each may have had in the property of the other.

17. **Jurisdiction.** The Court has jurisdiction over each of the parties and has jurisdiction over the subject matter of this proceeding. Further, Minnesota is the proper jurisdiction within the contemplation of the Uniform Child Custody Jurisdiction and Enforcement Act, Minnesota Statute Section 518D, to enter an Order regarding the care, custody and control of the minor children.

CONCLUSIONS OF LAW

1. **DISSOLUTION.** The bonds of matrimony existing between the parties are hereby dissolved.

2. **CUSTODY.** The parties are granted joint legal and joint physical custody of their minor children: Isra Hirsi, born February 22, 2003 and currently sixteen (16) years old; Adnan Hirsi, born November 21, 2005 and currently thirteen (13) years old; and Ilwad Hirsi, born June 11, 2012 and currently seven (7) years old. The minor children shall reside primarily with Wife in the Washington D.C. area and attend school there. The Husband is granted reasonable and liberal parenting time with the minor children and Wife shall pay the children's travelling expenses to Minnesota for parenting time with Husband. If the children return to Minnesota for a change of residence, the parties shall renegotiate the issue of their primary residence using the best interests of the children standard.

3. **CHILD SUPPORT.** There will not be a payment of child support. Rather, Wife shall pay for the children's medical insurance, out-of-pocket medical expenses, schooling and extracurricular activity expenses. Each party shall provide for the children while the children are in their respective care.

4. **MEDICAL AND DENTAL INSURANCE FOR HUSBAND AND WIFE.** Husband and Wife are each responsible for maintaining his or her own medical and dental insurance coverage and for any premiums thereon.

5. **SPOUSAL MAINTENANCE.** Neither party shall pay temporary or permanent spousal maintenance to the other, past, present or future. The Court is not reserving jurisdiction to award spousal maintenance to either party and the Court is divested of jurisdiction over the issue of spousal maintenance.

6. **DIVISION OF ASSETS.** Wife is awarded subject to any encumbrances thereon, and free and clear of any claim thereto by Husband, all vehicles, bank accounts, investment accounts, retirement accounts, policies of insurance, and assets titled in her name, including the divestiture of Husband as beneficiary thereon as applicable.

Husband is awarded subject to any encumbrances thereon, and free and clear of any claim thereto by Wife, all vehicles, bank accounts, investment accounts, retirement accounts, policies of insurance, and assets titled in his name, including the divestiture of Wife as beneficiary thereon as applicable.

Each party is awarded all right, title and interest, free and clear of any claim on the part of the other, in and to the household goods, furnishings and personal property currently in his or her possession, subject to any encumbrances thereon.

Each party is individually responsible for payment of any additional debts separately incurred in his or her name, including any undisclosed debts, and each shall defend, indemnify, and hold the other party harmless from any liability related thereto, including attorneys' fees.

7. **INCOME TAXES.** The parties shall file separate income tax returns for the calendar year 2019. Any outstanding federal and/or state tax obligations existing in relation to prior years will be shared equally between the parties. Commencing with calendar year 2019, and every odd year thereafter, Wife shall be entitled to claim two of the minor children as dependents and receive the child tax credits on her state and federal income tax returns, and Husband shall be entitled to claim one of the minor children as a dependent and receive the child tax credit on his state and federal income tax returns for so long as the minor children are eligible and in any year that claiming the children will be a tax benefit to her or him. Commencing with calendar year 2020, and every even year thereafter, Husband shall be entitled to claim two of the minor children as dependents and receive the child tax credits on his state and federal income tax returns, and Wife shall be entitled to claim one of the minor children as a dependent and receive the child tax credit on her state and federal income tax returns for so long as the minor children are eligible and in any year that claiming the children will be a tax benefit to him or her.

At such time as only two children are eligible to be claimed as a dependent for tax exemption purposes, each party shall be entitled to claim one minor child as a dependent and to claim the child tax credit for that child on his or her state and federal income tax returns and in any year that claiming the child will be a tax benefit to him or her.

At such time as only one child is eligible to be claimed as a dependent for tax exemption purposes, the parties shall alternate years in which the remaining child may be so claimed, with Wife being entitled to claim said child in the first such year and Husband being entitled to claim said child in the second such year.

Each party shall advise the other no later than March 15 of each year if he or she will be claiming the child assigned to him or her herein on his or her tax returns for the preceding year. If one party advises he or she is not going to claim a child assigned to him or her in any given year, then the other party shall be entitled to do so in that year. Each party shall refrain from claiming the child to be claimed by the other pursuant to this paragraph and shall execute and deliver to the other party any documents or waivers that are necessary to allow the other party to claim the child as provided herein, including but not limited to Internal Revenue Service Form 8332.

8. **ATTORNEYS' FEES.** Husband and Wife are each responsible for his or her own attorneys' fees and costs incurred in connection with these proceedings.

9. **BARRED FUTURE ACTIONS.** The parties, having mutually and expressly waived any and all liability, claims, and obligations of any kind against the other party, whether arising in contract, status, tort or otherwise, by reason of their marriage relationship or otherwise through the date of entry of this judgment and decree, are barred from bringing any actions relating to such liability, claims, or obligations.

10. **SERVICE OF DECREE.** The Judgment and Decree to be entered herein shall be served via the E-Filing System by counsel for Wife upon counsel for Husband which shall be good and proper service and proof thereof for all purposes.

11. **REQUIRED DOCUMENTS.** Husband and Wife shall properly execute and deliver any and all documents and instruments, including but not limited to deeds, conveyances and bills of sale which are necessary or requested to evidence, effect and carry out the foregoing provisions. Failure to comply with this clause, however, shall in no way affect the legal transfer of any and all of the property herein established.

12. **DISCHARGE OF COUNSEL.** Sixty-one (61) days after entry of the Judgment of Decree herein, Jaime Driggs and the law firm of Henson & Efron, P.A. shall automatically be discharged as attorneys of record for Wife without further notice, and Laurie A. Cylkowski and the law firm of Cylkowski Law Office, P.A. shall automatically be discharged as attorneys of record for Husband without further notice.

13. **APPENDIX A.** Appendix A is attached.

14. **WAIVER OF STAY OF ENTRY.** The parties specifically waived their rights to a stay of entry of the Judgment and Decree and Judgment may be entered immediately.

STIPULATION

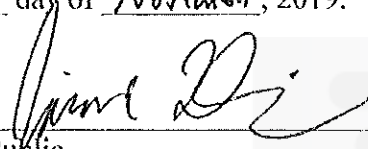
By their signatures below, it is stipulated and agreed by and between the parties that in the event the Court should grant a dissolution of marriage, and in the event the terms set forth in the Findings of Fact and Conclusions of Law sections hereinabove are acceptable to the Court, the parties agree to such terms and agree that a Judgment and Decree may be entered without further notice to either party.

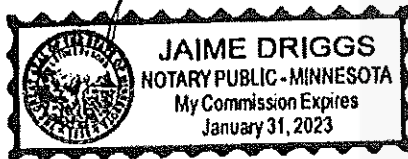


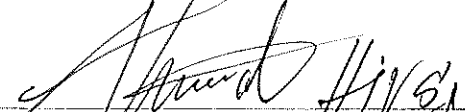
Ilhan Abdullahi Omar

Petitioner/Wife

Subscribed and sworn to before me
this 5th day of November, 2019.


Notary Public

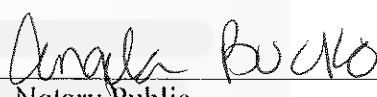




Ahmed Abdisalan Hirsi

Respondent/Husband

Subscribed and sworn to before me
this 5th day of November, 2019.


Notary Public



ORDER FOR JUDGMENT

LET JUDGMENT BE ENTERED ACCORDINGLY. NOTWITHSTANDING
GENERAL RULES OF PRACTICE FOR DISTRICT COURT 125, LET JUDGMENT BE
ENTERED IMMEDIATELY.

Approved for Entry Without Hearing
Under Minn. Stat. § 518.13

BY THE COURT:

Dated: November 5, 2019

Mike Furnstahl
Referee of District Court

Dated: November 5, 2019

Christian Sande
Judge of District Court

JUDGMENT AND DECREE

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

DISTRICT COURT ADMINISTRATOR

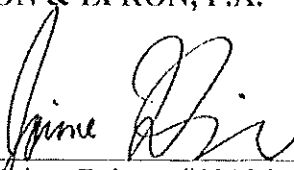
Dated: _____

By _____
Deputy

APPROVED AS TO FORM:

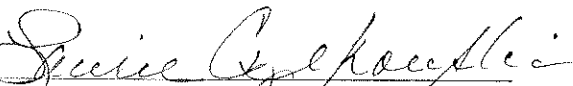
HENSON & EFRON, P.A.

By


Jaime Driggs, #0338606
220 South Sixth Street, Suite 1800
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CYLKOWSKI LAW OFFICE, P.A.

By


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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 1 and 2, 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.

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