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REPORTER'S RECORD

TRIAL COURT CAUSE NO. 3028

IN THE INTEREST OF	)	IN THE DISTRICT COURT
ARTHUR JESSOP, BETTY JANE	)	
JESSOP, LUANNE JESSOP,	)	
PATRICK MERRIL JESSOP,	)	
MERRIL ANDREW JESSOP,	)	SCHLEICHER COUNTY, TEXAS
MERRILEE JESSOP, MERRIL	)	
HARRISON JESSOP AND BRYSON	)	
MERRIL JESSOP	)	51ST JUDICIAL DISTRICT

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MOTIONS HEARING

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On the 29th day of September, 2009, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Barbara Lane Walther, Judge Presiding, held in San Angelo, Tom Green County, Texas;

Proceedings reported by machine shorthand.

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A P P E A R A N C E S

FOR THE PETITIONER:

Ms. Natalie E. Malonis  
SB# 12887450  
The Reib Firm  
1173 Bent Oaks, Suite 200  
Denton, Texas 76210  
(940) 591-0600

FOR THE RESPONDENT:

Ms. Amy Hennington  
Hennington, Butler & Jones  
SB# 00790866  
430 W Beauregard Ste B  
San Angelo, TX, 76903  
(325) 659-8929

1                   THE COURT: This is Cause Number 3028, "In  
2 the Interest of the Jessop Children." Ladies, I  
3 understand that you have used your time wisely, is  
4 that -- and you-all have reached a settlement on all  
5 issues; is that correct?

6                   MS. MALONIS: Yes, Your Honor, that is.

7                   THE COURT: Have you executed a written  
8 document or what do you want to do?

9                   MS. HENNINGTON: Your Honor, there's a --  
10 we're going to announce on the record, I believe, the  
11 part of it, and then we are working on the written -- on  
12 a written settlement agreement.

13                   THE COURT: Good.

14                   MS. MALONIS: And petitioner would like to  
15 withdraw the trial exhibits.

16                   THE COURT: Any objection to withdrawing  
17 the trial exhibits?

18                   MS. HENNINGTON: No, Your Honor.

19                   THE COURT: You can have them all back.

20                   MS. MALONIS: Can I get those now?

21                   (Exhibits returned.)

22                   THE COURT: All right. Who's going to  
23 announce the portion that you're going to put on the  
24 record?

25                   MS. MALONIS: I will.

1 MS. HENNINGTON: Okay.

2 MS. MALONIS: Correct me if I make any  
3 mistakes. Prospective child support will begin -- it  
4 will begin in October, but the first -- but it will  
5 actually be payable on the 1st of November. In other  
6 words, October's payment will be due in November, so we  
7 have time to get the disbursement units set up.

8 Prospective child support will be payable  
9 twenty -- \$2,350 per month indefinitely, with no  
10 stepdown, payable by respondent to petitioner for the  
11 benefit of the children.

12 That amount will be payable indefinitely to  
13 support the special-needs child, Harrison.

14 THE COURT: So at -- after all the children  
15 have reached 18, that amount will continue on under the  
16 provisions in the Code that allow for ongoing support of  
17 children with special needs.

18 MS. MALONIS: Correct, the same amount  
19 exactly. And that amount, less a dollar-for-dollar  
20 credit for any social security that petitioner is  
21 receiving for the children as a result of the  
22 respondent's social security income.

23 Petitioner will provide health insurance  
24 coverage for the children. And she will be responsible  
25 for that on an ongoing basis and she will cover their

1 uninsured medical costs.

2           The parties have reached an agreement on  
3 retroactive child support in -- in the amount and the  
4 terms of payment, and have agreed to -- to not file that  
5 agreement of public record, unless respondent is -- is  
6 in arrears 30 days on any payment due under that  
7 agreement, at which time the -- and it's going to be a  
8 written -- written agreement -- at that time, the  
9 written agreement will be filed of record. And  
10 Ms. Hennington and I, on behalf of our clients, will  
11 urge the Court to make that agreement an order of the  
12 Court so that it is enforceable by contempt.

13           THE COURT: And this is a -- a negotiated  
14 agreement that may not -- all of these agreements are  
15 negotiated agreements that may not follow the guidelines  
16 establish by the Legislature; is that correct, ladies?

17           MS. MALONIS: That -- that is correct.

18           MS. HENNINGTON: That's our understanding,  
19 Your Honor.

20           THE COURT: And it's your conscious  
21 intention and your client's intention to deviate from  
22 those guidelines.

23           MS. MALONIS: Yes.

24           MS. HENNINGTON: Yes, Your Honor.

25           THE COURT: Thank you. Anything else?

1 MS. MALONIS: Yes. Well, the -- just the  
2 retroactive amount is going to take into account a  
3 credit for any social security that has been paid,  
4 dollar-for-dollar. And petitioner will supply that  
5 information to respondent.

6 THE COURT: Anything else? And these  
7 documents will be executed by you-all by what date?

8 MS. HENNINGTON: We -- our goal was to have  
9 them down by the end of October, with getting the  
10 information and submitted and back out. So probably in  
11 about two weeks we'll be exchanging orders, don't you  
12 think?

13 MS. MALONIS: Yes, October 15th on the --  
14 on the settlement agreement?

15 MS. HENNINGTON: Yes.

16 MS. MALONIS: I can submit the order that  
17 we just read into the record by the end of the week for  
18 the Court's signature.

19 MS. HENNINGTON: And... (inaudible).

20 MS. MALONIS: And, oh, the first payments  
21 that are due under this settlement agreement will be due  
22 on November 1st, as well.

23 THE COURT: So he'll start off in  
24 arrearage?

25 MS. MALONIS: No, he will not.

1 THE COURT: Okay. On the past -- on the  
2 current child support, though, you said it begins  
3 October 1st, but it's not due until November 1st.

4 MS. MALONIS: Right.

5 THE COURT: I'm confused.

6 MS. MALONIS: Just so he can pay it through  
7 the disbursement unit. In other words, it starts in  
8 October, but he doesn't have to actually write the check  
9 and pay it through the -- the disbursement unit until  
10 November. So on November 1st he will be making two  
11 payments, October and November. Is that your  
12 understanding?

13 MS. HENNINGTON: That's fine, Judge.

14 THE COURT: Okay. I just wanted to make  
15 sure that that's... All right.

16 The Court finds that the announcement of  
17 the settlement is in the best interest of the children.  
18 The Court finds it is in the best interest of the  
19 children that the retro support be handled by a separate  
20 settlement agreement, that if it is necessary that  
21 settlement agreement can be ordered and made a portion  
22 -- a part of this order.

23 Anything further?

24 MS. HENNINGTON: Not from Respondent,  
25 Judge.

1 MS. MALONIS: Not from petitioner either.

2 THE COURT: Thank you very much, ladies.

3 Thank you-all for resolving it. This case is adjourned.

4 (End of proceedings.)

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1 THE STATE OF TEXAS )

2 COUNTY OF SCHLEICHER )

3 I, Debbie Harris, Official Court Reporter  
4 in and for the 51st Judicial District of Schleicher  
5 County, State of Texas, do hereby certify that the above  
6 and foregoing contains a true and correct transcription  
7 of all of the portions of evidence and other proceedings  
8 requested to be included in this volume of the  
9 Reporter's Record, in the above styled and numbered  
10 cause, all of which occurred in open court or in  
11 chambers and were reported by me.

12 I further certify that this Reporter's Record  
13 of the proceedings truly and correctly reflects the  
14 exhibits, if any, admitted by the respective parties.

15 I further certify that the total cost of the  
16 preparation of this Reporter's Record is \$50.00 and was  
17 paid for by Brooke Adams.

18 WITNESS MY OFFICIAL HAND this the 1st day of  
19 October, 2009.

20

*Debbie Harris*

22

23 \_\_\_\_\_  
24 Debbie Harris, Texas CSR# 3879  
25 Expires December 31, 2010  
Official Court Reporter  
112 W. Beauregard  
San Angelo, Texas 76903  
(325) 659-6574