



CERTIFIED COPY

STATE OF WYOMING)
) ss
 COUNTY OF SHERIDAN)

IN THE DISTRICT COURT
 FOURTH JUDICIAL DISTRICT

SABINA M. PATTERSON,)
)
 Plaintiff,)
)
 vs.)
)
 NED J. SZATKOWSKI,)
)
 Defendant.)

Civil Action No. 2017-355

No: _____
 District Court Sheridan County Wyoming

DEC 19 2022

~~Jane Botten~~ Clerk
 151 GLENDA BROWN Deputy

**AMENDED ORDER ON PLAINTIFF'S VERIFIED MOTION FOR ORDER TO
 SHOW CAUSE**

THIS MATTER came before the Court for hearing on the 3rd day of November, 2022, upon Plaintiff's *Verified Motion for Order to Show Cause* filed on August 19, 2022. The Plaintiff, Sabina M. Patterson, appeared with her attorneys, Erin E. Thimmesch and Amanda K. Roberts of Lonabaugh & Riggs, LLP. The Defendant, Ned J. Szatkowski appeared *pro se*. This Court issued an *Order on Plaintiff's Verified Motion for Order to Show Cause* on November 18, 2022 (the "Order"). The Court, being fully advised in the premises, hereby amends its Order and finds and concludes as follows:

1. On November 20, 2017, the parties entered into a Decree of Divorce.
2. Pursuant to the Decree of Divorce, the real property was divided as follows:
 - a. Husband shall occupy the real property until sold.
 - b. The property shall be listed with a real estate agency for sale no later than 09/01/2017.



c. Upon the sale, the net equity or loss from the sale shall be divided 50% to Husband and 50% to Wife.

3. The parties jointly own real property located at 822 Victoria Street, Sheridan, WY 82801, more particularly described on the attached “**Exhibit A**” (the “Marital Home”).

4. Defendant has resided in the Marital Home since the Decree of Divorce was entered, and the Marital Home has not been sold.

5. The Court finds that Defendant violated the Decree of Divorce by willfully failing to effectuate the sale of the Marital Home and interfering with the sale as required by the Decree of Divorce.

6. The Court further finds Defendant is guilty of misconduct by interfering with the sale of the Marital Home by violating and failing to follow the Stipulation Regarding Sale of Marital Home (the “Stipulation”), entered into between the parties on May 28, 2019. The Stipulation was prepared pursuant to the Judge’s recommendations made in open court during the Order to Show Cause Hearing on May 28, 2019.

7. Defendant’s misconduct stems from his willful violation of the Stipulation by refusing to sign off on more than two price reductions over a period of more than six months and by failing to maintain the Marital Home in a marketable condition.

8. The Court further finds that Defendant shall vacate the Marital Home within thirty (30) days of the date of the hearing in this matter.

9. The Court further finds that the Marital Home shall be listed for sale within sixty (60) days of the date of the hearing in this matter, and Plaintiff shall have exclusive control over the listing and sale of the Marital Home.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as

follows:

1. Defendant is in contempt of court for his willful failure to obey and follow the provisions of the Decree of Divorce.

2. The Decree of Divorce shall be modified nunc pro tunc, on the grounds of misconduct by the Defendant pursuant to Wyo. R. Civ. P. Rule 60(b)(3). The Decree of Divorce is modified, and the Court ORDERS, as follows:

a. Pursuant to Wyo. R. Civ. P. Rule 70(a) and *Walker v. Walker*, 925 P.2d 1305, 1307 (Wyo. 1996) (stating Wyo. R. Civ. P. 70 allows the court to divest a party of title if the real property is within the state), Defendant Ned J. Szatkowski is hereby divested of his title in the Marital Home, and legal title to the Marital Home is hereby vested solely in Sabina M. Patterson f/k/a Sabina M. Szatkowski, in her individual capacity.

b. Sabina M. Patterson f/k/a Sabina M. Szatkowski shall hereby have sole and exclusive control over the sale of the Marital Home and authority to sign all real estate and title documents, as the sole owner of the Marital Home, in order to effectuate the sale of the Marital Home.

c. Defendant shall vacate the Martial Home on or before December 3, 2022.

d. The Marital Home shall be listed for sale on or before January 2, 2023.

e. The parties shall split the costs of the monthly mortgage payment and HELOC until such time that the Martial Home is sold.

f. The Marital Home shall be winterized, and all utilities shall be turned off. If it is necessary for utilities to remain on, the parties shall split the costs of utilities until the Marital Home is sold.

g. Upon the sale of the Marital Home, and after the first mortgage and HELOC are paid, all proceeds shall be deposited with the Clerk of District Court.

h. The parties shall request a hearing for distribution of funds after the proceeds are deposited. The Court will then determine a fair and equitable distribution to the parties, which shall be offset by necessary cleaning costs and damage repairs made prior to the sale.

3. Plaintiff is awarded her \$500.00 appraisal fee to be deducted from Defendant's distribution of the proceeds.

4. The Court will award to Plaintiff her reasonable attorney's fees and costs following its consideration of Plaintiff's Rule 54 W.R.C.P. motion for fees and costs.

SO ORDERED IN OPEN COURT this 3rd day of November, 2022, and DATED this

19 day of December, 2022.

Certificate of Clerk of the District Court. The above is a true and correct copy of the original instrument which is on file or of record in this court.

Done this 19 day of December, 2022

Rene Botten

Clerk

By

Deputy

BY THE COURT:

ORIGINAL SIGNED BY: DARCI A.V. PHILLIPS

DISTRICT COURT JUDGE

Copies to:

Erin E. Thimmesh - Box

Ned J. Szatkowski



EXHIBIT "A"

The East half of Lot No. 10 and all of Lot No. 11, Block 24, of Nielsen Heights Addition to the Town, now City of Sheridan, Sheridan County, Wyoming.

AND

A tract of land situated in Block 24, of Nielsen Heights, an Addition to the Town, now City of Sheridan, Sheridan County, Wyoming, more particularly described as follows:

Commencing at the SE corner of Lot 11 in said Block 24, thence West along the South line of Lot 11 and the South line of Lot 10, a distance of 90 feet to a point; thence due South 8 feet; thence due East on a line parallel with the South line of Lots 10 and 11 in said Block a distance of 90 feet to a point; thence due North 8 feet to the point of beginning.

AND

A tract of land situated in Block 24, of Nielsen Heights, an Addition to the Town, now City of Sheridan, Sheridan County, Wyoming, more particularly described as follows:

Commencing at the NE corner of Lot 11 in said Block 24, thence South to the SE Corner of said Lot 11; thence due South 8 feet; thence East 8 feet; thence North parallel with the East line of said Lot 11 and the East line of Lot 11 extended, a distance of 152 feet to a point which is due East 8 feet from the point of beginning; thence West to the point of beginning, but subject to all easements held by the City of Sheridan, public utilities and so on to service and maintain any pipe lines, sewers, drains, telephone lines, power lines, or so on that may be located above or under the surface of the above described land.

AND

That part of Lots 6 and 7 and that part of the vacated alleys in Block 24 of Nielsen Heights Addition to the City of Sheridan, Sheridan County, Wyoming described as follows:

Beginning at a point which is East, along the North line of Lots 8 and 7 in Block 24 of said Nielsen Heights Addition, a distance of 90 feet from the Northwest Corner of Lot 8 in Block 24 of said Nielsen Heights Addition; thence North a distance of 8 feet; thence East a distance of 98 feet; thence South a distance of 11.84 feet; thence South 89°35'40" West (along a chain link fence), for a distance of 98.37 feet; thence North, a distance of 4.53 feet and thence East, a distance of 0.37 feet, to the point of beginning (purported to contain 1196.18 square feet or 0.0275 acres).