

NORTH CAROLINA
CUMBERLAND COUNTY

FILED
2020 JAN 31 A 0:25

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE: 19-CVD-5623 &
19-CVD-5626

JIAN LIU, v. DEREK ORTIZ,	Plaintiff Defendant
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ORDER
Review of Interim Equitable Distribution (Taxes)
and Not Remove Minor Child

THIS CAUSE being heard before the Honorable Toni S. King, District Court Judge of the Twelfth Judicial District, Fayetteville, Cumberland County, North Carolina on Toni S. King. On the 23rd day of January 2020 on the matters of status of ED Affidavits and Plaintiff's request to review interim equitable distribution.

IT FURTHER APPEARING TO THE COURT that the Plaintiff was present in court and was represented by Attorney Victoria Gillispie Hardin, and the Defendant was present in court and represented by Attorney Angela M. Hatley;

AND THE COURT, based on a review of the file and hearing the arguments of counsel, the Court does hereby make the following:

FINDINGS OF FACT:

1. The Plaintiff is a resident of Cumberland County, North Carolina and has been so for more than six months preceding the filing of this action.
2. The Defendant is a resident of Cumberland County, North Carolina and has been for more than six months preceding the filing of this action.
3. That Plaintiff and Defendant were married on August 29, 2014, divorced February 2018, married again on April 20, 2018 and subsequently separated on August 8, 2019.
4. That there was one minor child born to the marriage of the parties, namely SKYLAR ORTIZ LIU, born February 24, 2014.
5. That an order was entered January 27, 2017 providing for joint custody of the minor child of the parties, with primary custody in the Defendant mother and secondary custody in the Plaintiff father. The order provides that the Plaintiff father's secondary custody shall include visitation each alternating weekend, Friday at 6 pm until Sunday at 6 pm, and in the weekends

when he does not have Friday through Sunday, his visitation shall be from Saturday at 6 pm until Sunday at 6 pm.

6. That an order was entered on December 9, 2019 for interim equitable distribution but did not account for how the parties are to file their 2019 Tax Returns.

7. That the Defendant father has concerns that the Plaintiff mother may remove the parties' minor child from this State and country; that there is a disagreement regarding who is to maintain the travel documents for the minor child.

BASED UPON THE FOREGOING FINDINGS OF FACT, THE COURT CONCLUDES AS A MATTER OF LAW:

1. This Court has jurisdiction over the parties and the subject matter herein.
2. That North Carolina is the home state of the minor child.
3. That the prior orders of this court should remain in full force and effect.
4. It is appropriate for the court to make a determination as to the remove of the minor child from the United States.
5. To the extent that any of the foregoing Findings of Fact represent Conclusions of Law, said Findings are hereby incorporated herein by reference.
6. Both parties are able to comply with the provisions herein.

IT IS NOW THEREFORE, ORDERED, ADJUDGED, AND DECREED:

1. That the terms and provisions of all prior orders of this Court hereby remain in full force and effect.
2. The parties shall file a joint Federal and State Tax Return for 2019 and all refunds, upon receipt, shall be deposited into the Trust account in the care of The Hatley Law Firm to be divided equally between the parties.
3. That no party shall remove the minor child from the United States.
4. That the minor child's passport(s), social security card, birth certificate (Chinese, Birth Abroad and any other), along with all travel documents that have been issued for the minor child, shall be turned over to The Hatley Law Firm to be held in trust, within ten (10) days. Verification that Defendant has submitted these documents to his attorney shall be provided to counsel for the Plaintiff.

5. This cause is retained for further orders.

HEARD This the 23rd day of January 2020.
SIGNED this the 25 day of March 2020



Honorable Toni S. King
District Court Judge Presiding

Read and Approved as to Form:

Via Facsimile March 20, 2020
Victoria Gillispie Hardin, Attorney for Plaintiff

Defendant's counsel certifies that this order was submitted to counsel for the Plaintiff for review and approval by way of facsimile to 910-568-4960 on this the 16th day of March 2020 and this the 20th day of March 2020 with revisions; by Shawwood, for Attorney Angela M. Hatley.

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JIAN LIU,
Plaintiff
v.
DEREK ORTIZ,
Defendant

CERTIFICATE OF SERVICE

The undersigned attorney certifies that she served a copy of the documents shown upon the below-named individuals:

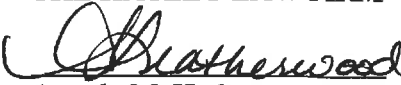
Document Served: **ORDER (Review of Interim ED and Not Remove Minor Child)**

Served on: Jian Liu
c/o Attorney Victoria Hardin
Derek Ortiz
c/o Attorney Angela Hatley

- By depositing a copy, postage paid in the United States Mail;
- By depositing a copy in the United States Mail, postage prepaid, certified mail;
- By way of facsimile to:
- By depositing a copy in the appropriate attorney box on the first floor of the Cumberland County Courthouse:**

This the 1 day of April 2020

THE HATLEY LAW FIRM

By: 
For: Angela M. Hatley
Attorney at Law
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