

IN THE SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA  
Rebecca Keaton  
Clerk of Superior Court Cobb County

Jessica M. Smith,

Petitioner,

versus

Nayvadius D. Wilburn,

Respondent.

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Civil Action File

Number 13-1-08651-40

**AMENDED INCOME DEDUCTION ORDER ON RESPONDENT**

The Court has entered a *Final Consent Modification Order* requiring the Respondent to pay support to the Petitioner. OCCGA § 19-6-32 provides for an order providing for immediate withholding from the income and earnings of the person required to pay support. This *Amended Income Deduction Order on Respondent* supersedes and replaces the *Income Deduction Order* entered on 21 December 2012.

The parties and child are identified as follows:

Petitioner/Obligee: Jessica Smith

Petitioner's SSN: \*\*\*-\*\*- 2876

Respondent/Obligor: Nayvadius Wilburn

Respondent's SSN: \*\*\*-\*\*- 0965

Child: Jakobi Muyson Wilburn DOB: 06/30/2002

THEREFORE, THE COURT HEREBY ORDERS THE FOLLOWING:

**1. AMOUNT OF DEDUCTION**

The Respondent's employer, future employer, or any other person, private entity, or unit of government, that provides or administers income or earnings due the Respondent (whether as wages, salary, commission, bonus workers' compensation, payments pursuant to a disability, pension or retirement program, interest, or any other periodic form of payments, regardless of source) shall deduct from all monies due and payable to the Respondent the following amounts:

(a) Current Child Support: \$2,800.00 per month

- (b) Current Spousal Support: \$ not applicable
- (c) Support Due from March 1, 2014 through June 1, 2014 \$ 3,952.00  
Pursuant to Final Consent Modification Order:

(Amounts due under subsection 1(c) encompass the remainder monthly amount due per the Consent Modification Order after crediting the \$1,662.00 monthly support paid for March, April, May and June 2014, per the prior Final Order and Judgment and Income Deduction Order -

March 2014 - \$538.00

April 2014, May 2014 and June 2014 - \$1,138.00 each month- \$3,414.00.)

#### **Adjustment for Various Pay Cycles**

The payor is not required to adjust its pay cycle in order to comply with this Order. If the pay cycle is not monthly, use the following amounts to determine how much to withhold:

\$646.15 per weekly pay period

\$1,292.31 per bi-weekly pay period (every two weeks)

\$1,400.00 per semi-monthly pay period (twice a month)

- (d) Family Support Registry (FSR) Fee: \$      \*\* per month

**\*\* Note:** Under OCGA § 19-6-33.1(f), the amount of the FSR fee will be 5% of each payment, up to \$2.00 per payment. However, the FSR fee is not required at this time; Child Support Enforcement will notify you if and when the FSR fee is to be deducted.

- (e) Total Amount of Monthly Deduction: \$2,800.00 per month.

*Amounts due per 1(c) above will be paid in lump sum upon entry of this Amended Income Deduction Order.*

  X   If checked, the child listed above shall be enrolled in any health insurance coverage available to Respondent at reasonable cost.

#### **2. TIME AND PLACE OF PAYMENT**

The payor shall make the amounts deducted payable to the Petitioner, and forward the payments within two (2) business days after each pay date to the address below, or such other address as shall be provided by the Petitioner to the employer in writing:

DCSS  
F.S.R.  
P.O. Box 1600  
Carrollton, Georgia 30112-1600

The payor shall note the names of the parties and the case number on the face of the payment. The current case number is 210012207.

3. **CONSUMER CREDIT PROTECTION ACT**

The maximum amount to be deducted shall not exceed the amounts allowed under § 303(b) of the Consumer Credit Protections Act, 15 USCA § 1673(b) as amended.

4. **STATEMENT OF RESPONDENT'S RIGHTS AND RESPONSIBILITIES**

Under OCGA § 19-6-32(e), the Court provides the following statement to the Respondent, concerning the Respondent's rights, remedies and duties in regard to this income deduction order.

- (a) The total amount to be withheld each and every pay period is described in Paragraphs 1 and 3 above.
- (b) The income deduction applies to current and subsequent payors and periods of employment.
- (c) A copy of the income deduction order will be served on Respondent's payor or payors, if known.
- (d) Enforcement of the income deduction order may only be contested on the ground of mistake of fact regarding the amount of support owed pursuant to a support order, the past due support, or the identity of the Respondent. The Respondent may contest enforcement of the order as provided in OCGA § 19-6-33(c).
- (e) The Respondent is required to notify the Petitioner (and the IV-D agency, if the Petitioner received IV-D services) within seven days of all changes in his/her address, payors, and the addresses of payors. The Respondent is currently self-employed.

5. **RESPONDENT'S DUTY TO ENSURE PAYMENT**

The Respondent is hereby ordered to perform all acts necessary for the proper withholding of the sums stated in this order, including delivery of the order to his/her employer, future employers and other income payors, and personally monitoring and confirming on an ongoing basis that the required payments are timely and properly deducted from his income and



forwarded as ordered. Respondent remains responsible for any and all child support that has not deducted from his income and paid as child support or spousal support according to this order.

6. EFFECTIVE DATE AND DURATION OF THIS ORDER

This order shall take effect:

X Beginning April 1, 2014.

\_\_\_\_ Upon accrual of a delinquency equal to one month's support. This Court finds that good cause was shown to delay the effective date of this order. The Respondent or the IV-D agency may enforce this Income Deduction Order by serving a "Notice of Delinquency" on the Respondent, as provided in OCGA § 19-6-32(f), and shall remain in effect so long as the child support obligation continues, or until further order of the Court. This order supersedes any prior income deduction order entered in this case.

7. SERVICE OF DOCUMENTS

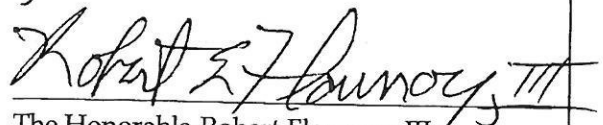
This order and all further papers required to be served pursuant to OCGA § 19-6-33, shall be served upon the payor by regular first class mail and upon the Petitioner and Respondent in person, by certified mail or statutory overnight delivery, return receipt requested, or by regular mail. Service upon the Petitioner has been made through her attorney of record as follows:

Mr. Sean R. Whitworth  
3225 Shallowford Road  
Suite 430  
Marietta, Georgia 30062

Service upon the Petitioner has been made through his attorney of record as follows:

ivory t. brown  
ivory t. brown, p.c.  
terminus 200 - suite 2050  
3333 piedmont road northeast  
atlanta, georgia 30305

This order was entered on June 25, 2014.

  
The Honorable Robert Flournoy III  
Superior Court of Cobb County

Certificate of Service

I certify that on the date the foregoing document was filed, I placed copies of the document into the Court's mail system, to be mailed via United States mail to:

Ivory Brown  
Suite 2050  
3333 Piedmont Road, NE  
Atlanta, GA 30305

Sean Whitworth  
3225 Shallowford Road, Suite 430  
Marietta, GA 30062



Christa Flint  
Judicial Administrative Assistant to  
Judge Robert E. Flournoy, III