

STATE OF NORTH CAROLINA COUNTY OF WAKE	IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION FILE NO. 08 CVD 22018
LINDA L. FISHER & MEREDITH LYNN FISHER, Plaintiff  v.  JASON LYNN YOUNG, Defendant.	Assigned Judge: Sasser  <b>CHILD CUSTODY CONSENT ORDER</b>

This matter came before the undersigned District Court Judge upon the request of the parties for a consent order regarding child custody. The Plaintiffs are represented by Michael F. Schilawski and Katie Hardersen King of Wake Family Law Group. The Defendant is represented by Alice C. Stubbs of Tharrington Smith. Based upon the Court's examination of the matters of record, the representations of counsel, and the stipulations of the parties as reflected by their signatures below, the Court makes the following:

#### FINDINGS OF FACT

1. Plaintiff Linda L. Fisher ("Linda Fisher") is a citizen and resident of Sayville, New York. Plaintiff Meredith Lynn Fisher ("Meredith Fisher") is a citizen and resident of Wake County, North Carolina and has been for six (6) months preceding the filing of this action. Defendant Jason Lynn Young ("Jason Young") is a citizen and resident of Transylvania County, North Carolina.
2. The minor child who is subject to this action is Cassidy Elizabeth Young ("Cassidy"), born March 29, 2004. She is the biological child of Michelle Marie Fisher Young ("Michelle Young"), deceased, and Jason Young.
3. Linda Fisher is the mother of Michelle Young and the maternal grandmother of Cassidy. Meredith Fisher is the sister of Michelle Young and the maternal aunt of Cassidy. The Plaintiffs enjoy a close and loving relationship with Cassidy, and she is attached to them.
4. Jason Young loves Cassidy, and Cassidy loves Jason Young. Cassidy has resided with Jason Young since the death of her mother on November 3, 2006.
5. Plaintiffs filed a custody action regarding Cassidy on December 17, 2008.
6. Pursuant to G.S. §50A-201, there exist facts justifying this Court to exercise jurisdiction to determine custody of Cassidy in that North Carolina is the home state of the minor child, and no other court has exercised jurisdiction in this matter.

7. The parties consent to Wake County as the appropriate county of venue in this matter, and the parties intend this order to resolve any issues relating to venue herein pursuant to N.C.R.C.P., Rule 12, N.C.G.S. 50-13.5, and N.C.G.S. 1-83.
8. The parties agree that it is in Cassidy's best interests for Meredith Fisher and Jason Young to share legal and physical custody of Cassidy as set forth herein. The parties stipulate and agree that shared custody is appropriate and in Cassidy's best interests.
9. As Cassidy has been in the care of Jason Young since Michelle Young's death, the parties further agree that it is in Cassidy's best interests for there to be a transition period for the transfer of primary physical custody to Meredith Fisher.
10. The parties agree that it is in Cassidy's best interests to begin kindergarten in Wake County in the fall of 2009.
11. The parties further agree that no responsive pleadings to Plaintiffs' Complaint will be filed herein and that all motions currently pending herein are resolved by the entry of this order. The parties hereto have also agreed that they waive the right to conduct discovery with respect to each other.
12. The parties waive further findings of fact in favor of the entry of this order.

Based upon the foregoing Findings of Fact, the Court makes the following:

#### CONCLUSIONS OF LAW

1. This Court has jurisdiction over the parties and the subject matter of this action.
2. Venue for this action is appropriate in Wake County, North Carolina.
3. The parties are fit and proper for the custodial roles herein.
4. The parties have consented to the entry of this order.
5. The entry of this order is in the best interests of the minor child.

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

#### DECREE

1. Meredith Fisher and Jason Young shall share physical custody of Cassidy as set forth herein. Meredith Fisher shall have primary physical custody, and Jason Young shall have secondary physical custody. To help Cassidy adjust to the change in her living arrangements, there shall be a transition period for Meredith Fisher's custodial time as set

forth below.

2. Legal Custody. Meredith Fisher and Jason Young shall exercise joint legal custody of Cassidy. This means that major decisions affecting the health, education, and welfare of Cassidy shall be made jointly between Meredith Fisher and Jason Young.
3. Physical Custody Schedule: Transition Period. Cassidy shall be in the physical custody of Meredith Fisher during the transition period as set out below. At all other times, Cassidy shall be in the custody of Jason Young.
  - a. February/March 2009: From Wednesday, February 25 at 3:00 p.m. until Monday, March 2 at 2:30 p.m.
  - b. March 2009: From Monday, March 23 at 3:00 p.m. until Saturday, March 28 at 4:00 p.m.
  - c. April 2009: From Thursday, April 9 at 3:00 p.m. until Sunday, April 12 at 6:00 p.m.
  - d. May 2009: From Thursday, May 7 at 3:00 p.m. until Monday, May 11 at 2:30 p.m.
  - e. June 2009: From Friday, June 12 at noon until Friday, June 19 at 4:00 p.m.
  - f. July 2009: From Thursday, July 9 at noon until Friday, July 24 at 4:00 p.m.
4. Physical Custody Schedule: After Transition Period: Cassidy shall be in Wake County in Meredith Fisher's custody at noon on August 1, 2009. Thereafter, Jason Young shall exercise custodial time with Cassidy every other weekend from 4:30 p.m. on Fridays until 6:00 p.m. on Sundays, with his first custodial period beginning August 14, 2009. If the Friday or Monday preceding Jason Young's weekend is a school holiday, the Friday or Monday shall be included in his custodial time, such that Jason Young would have Cassidy from Thursday at 4:30 p.m. until Sunday at 6:00 p.m. on Friday holiday weekends, and Friday at 4:30 p.m. until Monday at 6:00 p.m. on Monday holiday weekends.
5. Holiday Schedule. Meredith Fisher and Jason Young shall share holidays and special days with Cassidy as set out below:
  - a. Christmas: In even years, Meredith Fisher shall have Cassidy from the time school recesses for the Christmas holiday break until December 26 at noon. Jason Young shall have Cassidy from December 26 at noon until 4:00 p.m. the day before school resumes from the Christmas holiday break

or until 4:00 p.m. on January 2—whichever is earlier. In odd years, this schedule shall be reversed.

- b. Thanksgiving: Meredith Fisher and Jason Young shall alternate Cassidy's Thanksgiving break from the Wednesday prior to Thanksgiving at 6:00 p.m. until the Sunday following Thanksgiving at 6:00 p.m. Jason Young shall have odd years, and Meredith Fisher shall have even years.
- c. Spring Break: Meredith Fisher and Jason Young shall alternate Cassidy's Spring Break such that Jason Young shall have Cassidy in even years, from the day school recesses for Spring Break until 6:00 pm on the day prior to the day that school resumes. Meredith Fisher shall have Cassidy for Spring Break in odd years.
- d. Father's Day (beginning in 2010): If it is not Jason Young's regular custodial time, Jason Young shall be entitled to custodial time with Cassidy from 9:00 a.m. until 6:00 p.m. on Father's Day.
- e. Jason Young's Birthday (beginning in 2010): Jason Young shall be entitled to custodial time with Cassidy on his birthday from 9:00 a.m. until 6:00 p.m. if his birthday occurs on a weekend or from 4:00 p.m. until 8:00 p.m. if his birthday occurs on a weekday.
- f. Cassidy's Birthday: Jason Young shall be entitled to custodial time with Cassidy on her birthday on March 29 from 9:00 a.m. to 4:00 p.m., unless school is in session. If school is in session, Jason Young shall have custodial time with Cassidy on March 29 from 4:00 p.m. to 8:00 p.m.
- g. Summer (beginning in 2010): If Cassidy is in traditional calendar school, every summer (beginning in 2010), Cassidy shall be in Meredith Fisher's physical custody during the first full week and the last full week of Cassidy's vacation period from school. After the first full week, Meredith Fisher and Jason Young shall share the summers as set out below. The intent of this provision is that Jason Young enjoys at least four (4) weeks of custodial time with Cassidy during the summer vacation.
  - i. If Jason Young lives in Wake County or within 25 miles of Wake County: Jason Young and Meredith Fisher shall divide the remaining summer vacation period on a week on/week off basis, with exchanges to occur at 6:00 p.m. on Sundays. Jason Young shall have the first custodial period.
  - ii. If Jason Young lives more than 25 miles from Wake County: Jason Young and Meredith Fisher shall divide the remaining summer vacation period on a two week basis, with exchanges to

occur at 6:00 p.m. on Sundays. Jason Young shall have the first custodial period.

6. Custody Exchanges/Transportation.

- a. During Transition Period: The custodial exchanges shall take place at the Cracker Barrel in Statesville, NC unless otherwise agreed upon by Meredith Fisher and Jason Young. Meredith Fisher and Jason Young (or their designees) shall meet at the exchange location promptly at the designated times and greet each other cordially. In the event that Jason Young moves outside of the Brevard area such that an exchange in Statesville, NC is no longer practical (i.e., is not an approximate half-way point), the parties shall agree upon a new exchange location which is approximately half-way between the homes of Jason Young and Meredith Fisher, and if the parties cannot agree, they may submit the issue of the exchange location to the Court.
- b. At the end of Transition Period: When the transition period ends such that Cassidy is residing in Wake County, custodial exchanges at the beginning of Jason Young's custodial periods shall take place at the designated times at the Chick-fil-A near the home of Meredith Fisher. However, if the beginning exchange times would occur on a Sunday, the exchange shall take place at the Dunkin' Donuts near the home of Meredith Fisher (as Chick-fil-A is closed on Sundays). In the event that Chick-fil-A or Dunkin' Donuts closes or Meredith Fisher moves to a different neighborhood, the exchange location to replace that particular establishment shall be at the fast food restaurant closest to the home of Meredith Fisher (as determined by mileage). Custodial exchanges at the end of Jason Young's custodial periods shall take place at the designated times in Statesville, NC at Cracker Barrel with the parties agreeing on a new exchange location (as described above) if Jason Young moves outside of the Brevard area.

7. Overnight Guests. Neither Meredith Fisher nor Jason Young shall have overnight guests, unrelated by blood or marriage, with whom that party is involved in a romantic or sexual relationship during the period that Cassidy is in his or her physical custody unless the other party approves of the overnight guest. At the current time, Meredith Fisher has housemates living in her home who are transitioning out of her home. The parties agree that when Meredith Fisher assumes primary custody of Cassidy, she shall no longer have housemates unrelated by blood or marriage. Likewise, Jason Young shall have no roommates or housemates unrelated by blood or marriage during his custodial time with Cassidy.

8. No Media Contact. No party shall knowingly allow any direct media contact (television reporters, journalists, etc.) with Cassidy, and the parties shall take all reasonable measures to prevent media access to Cassidy. No party shall disparage the other parties, and the parties shall not do or say anything to hamper Cassidy's natural development of love and respect for all the parties.

9. Smoking/Alcohol Use. Neither Meredith Fisher nor Jason Young shall smoke in his or her vehicle or residence or allow any third party to smoke in his or her vehicle or residence during his or her custodial periods with Cassidy. Neither Meredith Fisher nor Jason Young shall engage in alcohol use to the level of intoxication while providing care for Cassidy.
10. Contact Information for Travel. In the event that Meredith Fisher or Jason Young is exercising his/her custodial time with Cassidy for an overnight more than 50 miles from his/her primary residence, he or she shall provide the other a contact telephone number and address where Cassidy will be staying.
11. Telephone Contact. The Plaintiffs shall both be entitled to reasonable telephone contact with Cassidy when she is not in the care of Meredith Fisher with the goal being that the Plaintiffs, individually or jointly, will be able to speak with Cassidy at reasonable times and for a reasonable period of time approximately three times each week. Likewise, Jason Young shall also be entitled to reasonable telephone contact with Cassidy for a reasonable period of time, approximately three days a week, when she is not in his care. In the event a party attempts to telephone Cassidy, and she is unavailable, the party exercising custodial time with Cassidy shall promptly assist Cassidy in returning the telephone call(s).
12. Contact Information for the Parties. The parties shall keep each other promptly advised of their current residential address, mailing address (if different from their residence address), their current telephone numbers (including any cell phone number), and e-mail address. In the event of a change in this information, the party whose contact information has changed shall provide notice to the other party(ies) within 48 hours of such change.
13. Exchange of Information. Jason Young and Meredith Fisher shall immediately advise each other as to any serious illness or accident or other major development affecting Cassidy's health or welfare that occurs during his/her time with her. Jason Young and Meredith Fisher shall each have full access to all health and educational information relating to Cassidy. The parties may attend all school functions and extracurricular activities, as permitted by the school or provider of the extracurricular activity. Meredith Fisher and Jason Young shall use their best efforts to ensure Cassidy's continued involvement in church, Sunday School, and extra-curricular activities, such as gymnastics, and dance. Likewise, they shall encourage Cassidy's interest in sports, music, and other healthy activities.
14. Important Documents. Meredith Fisher shall maintain all original important documents related to Cassidy such as her birth certificate, social security card, immunization records, and passport.
15. Respect for Cassidy's Relationships with the Parties. No party shall discuss another party in a negative manner in Cassidy's presence or earshot, nor knowingly allow another

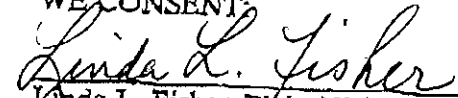
person to do so. No party shall unreasonably question Cassidy about another party's activities during his or her time with Cassidy. The parties shall not involve Cassidy in any discussions regarding custodial time, except to let Cassidy know when the custodial time shall take place. The parties shall not swear or use inappropriate language in Cassidy's presence.


- 16. No responsive pleadings to Plaintiffs' Complaint shall be filed herein. All motions currently pending herein are resolved by the entry of this order. The parties hereto waive the right to conduct discovery with respect to each other.
- 17. Venue in this matter shall be Wake County, North Carolina. The entry of this order resolves any issues relating to venue pursuant to N.C.R.C.P., Rule 12, N.C.G.S. 50-13.5, and N.C.G.S. 1-83.
- 18. This is a permanent order and shall not be modified except upon a showing of a substantial change of circumstances.

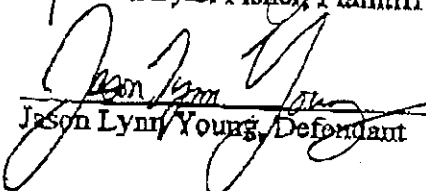
This the 6<sup>th</sup> day of February, 2009.

  
The Honorable Debra Sasser

WE CONSENT:


  
Linda L. Fisher, Plaintiff

  
Meredith Lynn Fisher, Plaintiff

  
Jason Lynn Young, Defendant

  
Michael F. Schilawski, Attorney for Plaintiffs

  
Katie Hardersen King, Attorney for Plaintiffs

  
Alice C. Stubbs, Attorney for Defendant


**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this date served the **CHILD CUSTODY CONSENT ORDER** on the Defendant to this cause through his counsel by depositing a copy of the same in the exclusive care of the United States Postal Service, first-class mail, postage prepaid, addressed as follows:

Ms. Alice C. Stubbs, Attorney for Defendant  
Tharrington Smith, LLP  
209 Fayetteville Street  
P.O. Box 1151  
Raleigh, NC 27602-1151

This the 6<sup>th</sup> day of February, 2009.

**WAKE FAMILY LAW GROUP**



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