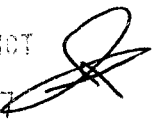


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SECOND JUDICIAL DISTRICT
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SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

Blaumig

Patricia Rae Avery
Petitioner,

v.

No. DV 2002 - 761

Stephen Avery
Respondent.

ORDER OF PROTECTION
 MUTUAL NON MUTUAL

This order is an order of protection under 18 U.S.C. Section 922, 18 U.S.C. Section 2265 and Section 40-13-6(D) NMSA 1978. This order shall be accorded full faith and credit by the courts of every state and Indian Tribe and shall be enforced as if it were the order of such other State or Tribe.

THIS MATTER came before the court on the 26 day of June, 2002 through a hearing on the petitioner's respondent's request for an order prohibiting domestic abuse.

The court, having determined that it has legal jurisdiction over the parties and the subject matter, **FINDS, CONCLUDES AND ORDERS:**

(check only applicable paragraphs)

1. NOTICE AND APPEARANCES

- Petitioner was present.
- Petitioner was represented by counsel.
- Respondent was present.
- Respondent was represented by counsel.
- Respondent was properly served with a copy of the petition, temporary order of protection prohibiting domestic abuse and order to appear.
- Respondent was properly served with a copy of the petition and order to appear.
- Respondent received actual notice of the hearing and had an opportunity to participate in the hearing.
- Petitioner was properly served with a copy of the counter-petition and Order to Appear.

- Petitioner was properly served with a copy of the temporary order and Order to Appear.
- Petitioner received actual notice of the hearing and had an opportunity to participate in the hearing.

2. CONSEQUENCES OF ENTRY OF ORDER OF PROTECTION

Violation of this order by the respondent petitioner can have serious consequences, including:

- A. If you violate the terms of this order, you may be charged with a misdemeanor, which is punishable by imprisonment of up to 364 days and a fine of up to \$1,000. You may also be found in contempt of court.
- B. If you are the spouse of the other party, an individual who lives with or has lived with the other party, or if you and the other party have had a child together, federal law prohibits you from possessing or transporting firearms or ammunition while this order is in effect. If you have a firearm or ammunition, you should immediately dispose of the firearm or ammunition. Violation of this law is a federal crime punishable by imprisonment for up to 10 years and a fine of up to \$250,000.
- C. If you are not a citizen of the United States, entry of this order may have a negative effect on your application for residency or citizenship.

3. FINDING OF DOMESTIC ABUSE

An act of domestic abuse was committed by respondent petitioner that necessitates an order of protection.

4. DOMESTIC ABUSE PROHIBITED

Respondent Petitioner shall not abuse the other party or members of the other party's household. "Abuse" means any incident by one party against the other party or another household member resulting in (1) physical harm; (2) severe emotional distress; (3) bodily injury or assault; (4) a threat by respondent causing imminent fear of bodily injury to petitioner or any household member; (5) criminal trespass; (6) criminal damage to property; (7) repeatedly driving by petitioner's or a household member's residence or work place; (8) telephone harassment; (9) stalking; (10) harassment; or (11) harm or threatened harm to children in any manner set forth above.

Respondent Petitioner shall not ask or cause other persons to abuse the other party or any of the other party's household members.

5. CONTACT PROHIBITIONS

Respondent Petitioner shall stay **100** yards away from the other party, the other party's home and any workplace at all times, unless at a public place, where

the respondent [] petitioner shall remain 25 yards away from the other party except as specifically permitted by this order.

Respondent [] Petitioner shall not telephone, talk to, visit or contact the other party in any way except as follows:

- The parties may contact each other by telephone regarding medical emergencies of minor children;
- Other _____
- The parties may attend joint counseling sessions at the counselor's discretion.

(Unless the court has sealed petitioner's or respondent's address, include address of residence and employment for the appropriate party or parties.)

Petitioner's addresses

(home address)
(work address)
(city)
(if applicable, tribe or pueblo)
(state and zip code)

Respondent's addresses

(home address)
(work address)
(city)
(if applicable, tribe or pueblo)
(state and zip code)

6. COUNSELING

- The court's orders regarding counseling for the parties are addressed in the Counseling, Custody, Support and Division of Property Attachment of this Order of Protection.

7. CUSTODY

- The court's orders regarding the minor child(ren) are ~~addressed in the Counseling, Custody, Support and Division of Property Attachment of this Order of Protection.~~ ^{to be addressed}

by John Romero, GAL in DM 2002-0523.
There is to be no contact b/w the parties at the time of exchange.

8. PROVISIONS RELATING TO SUPPORT

- The court's orders regarding support issues for the parties are found in the Counseling, Custody, Support and Division of Property Attachment of this Order of Protection.

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The parties are not to attend the children's counseling sessions together.

9. PROPERTY, DEBTS AND PAYMENTS OF MONEY

The court's orders regarding property, debts and payment of money are found in the Counseling, Custody, Support and Division of Property Attachment⁵ of this Order of Protection.

10. PARTIES SHALL NOT CAUSE VIOLATION

While this order is in effect, the parties shall refrain from any act that would cause the other party to violate this order.

11. ADDITIONAL ORDERS

REVIEW HEARING: The parties are ordered to appear for a review hearing on the ____ day of _____, _____, at _____ (a.m.) (p.m).

Any party ordered to attend counseling shall bring proof of counseling to the review hearing.

IT IS FURTHER ORDERED: _____

12. EFFECTIVE DATE OF ORDER; EXTENSION; MODIFICATION

This order is effective upon filing with the clerk of the court.

This order [with the exception of the orders in the Counseling, Custody, Support and Division of Property Attachment,] shall continue until Dec. 20, 2002 (date), or until modified or rescinded by the court.

13. NOTICE TO LAW ENFORCEMENT AGENCIES

ANY LAW ENFORCEMENT OFFICER SHALL USE ANY LAWFUL MEANS TO ENFORCE THIS ORDER.

- Respondent Petitioner is ordered to surrender all keys to the residence to law enforcement officers.
- Law enforcement officers or _____ shall be present during any property exchange.
- This order supersedes prior orders in _____ County, State of _____, Cause No. _____ to the extent that there are contradictory provisions.

14. NOTICE TO PARTIES

This order does not serve as a divorce and does not permanently resolve child custody or support issues.

15. RECOMMENDATIONS

I have:

- reviewed the petition for order of protection;
- reviewed the counter-petition for order of protection;
- conducted hearings on the merits of the petition;
- after notice and hearing as indicated in this order I prepared this order as my recommendation to the district court judge regarding disposition of requests for order of protection.

Loretta Lopez

Special Commissioner

Court's telephone number: (505) 841-6731

SO ORDERED:

Angela Jewell

District Judge

Date

A copy of this order was hand delivered faxed mailed to respondent respondent's counsel on _____ (date).

A copy of this order was hand delivered faxed mailed to petitioner petitioner's counsel on 6/26/02 (date).

** Resp & his attorney left the office before being served with a copy of the order.*

Signed

Title

D. L. T.
DV Clerk