

FILED
AUG 04 2015 1:41 PM
MICHAEL K. JEANES, Clerk
By V. Alvarado
V. Alvarado, Deputy

1 **Desiree Y. Capuano**
2 **315 W Valencia Rd #23014**
3 **Tucson, AZ 85734**
4 **(480) 455-2086**
5 **Petitioner**

6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
7 **IN AND FOR THE COUNTY OF MARICOPA**

8 In Re the Marriage of:
9 **DESIREE Y. CAPUANO,**
10 **Petitioner,**
11 v.
12 **RICHARD S. RIESS,**
13 **Respondent.**

No. FC 2011-093719
**DEFAULT DECREE OF ANNULMENT
OF NON-COVENANT MARRIAGE**

14 This case has come before this court for a final Decree of Annulment of a Non-Covenant Marriage
15 in accordance with the Court's Orders dated May 20, 2015, and June 17, 2015. The court has taken all
16 necessary testimony needed to enter a Decree or has determined that testimony is not needed to enter the
17 final Decree.
18

19 **THE COURT FINDS:**

- 20 1. **Jurisdiction:** This Court acquired jurisdiction over the parties on August 29, 2014, by
21 Petitioner/Wife having filed a Petition for Annulment of a Non-Covenant Marriage. Respondent/
22 Husband was served with this action on or about February 24, 2015. Respondent has failed to enter his
23 appearance.
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25 2. Where it has the legal power and where it is applicable to the facts of this case, this Court
26 has considered, approved, and made orders relating to issues of the division of the property and/or debts.
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1 3. The provisions of this Decree are fair and reasonable under the circumstances and in the
2 best interests of the parties, and the division of property and debt is fair and equitable.

3 4. **90-Day Requirement:** At the time this action was filed, the Petitioner and/or the
4 Respondent had lived in Arizona for more than 90 days, or had lived in Arizona while a member of the
5 United States Armed Forces for more than 90 days.

6 5. **Conciliation Court:** The conciliation provisions of A.R.S. §25-381.09 either have been
7 met or do not apply.

8 6. **Non-Covenant Marriage:** The parties were married on August 26, 2000, in Las Vegas,
9 Nevada. The parties **do not** have a covenant marriage as described in A.R.S §25-901.

10 7. **Grounds for Annulment.** There is an impediment rendering the marriage void. The
11 requirements of A.R.S. §25-301 have been met as the marriage was occasioned by Husband having
12 committed bigamy, fraud and misrepresentation having been legally married to another person at the
13 time he entered into this marriage with Petitioner/Wife and is still legally married to another person.

14 8. **Spousal Maintenance.** Neither party is entitled to an award of spousal maintenance in
15 accordance with A.R.S. §25-319.

16 9. **Children:** There is one minor child common to the parties: Gabriel T. Riess, age 14.
17 This Court has no jurisdiction over the minor child as there are current orders currently in effect dated
18 March 7, 2014, relating to custody, parenting time and child support in the State of California, County of
19 Los Angeles, under Case No. TD 035397, wherein Wife has been awarded sole physical and legal
20 custody of the minor child. Wife is not now pregnant.

21 10. **Protective Orders:** There are no Orders of Protection in effect.

22 11. **Community Property and Debt:** The parties have lived separate and apart since
23 October 2001, and there is no community property or community debt to be divided.
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1 12. **Sole and Separate Property and Debt.** Each party should retain all of their separate and
2 personal property in their possession since they separated in October 2001. Each party should pay all
3 debts they have individually incurred in their respective names and hold the other harmless there from
4 since they separated in October 2001.
5

6 **THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:**

7 A. **Annulment of Marriage:** The marriage of the parties is hereby declared null and void
8 and each party is restored to the status of a single person.
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10 B. **Spousal Maintenance:** Neither party is entitled to receive spousal support from the
11 other, now or at anytime in the future. Each party irrevocably waives any claim against the other in this
12 regard.
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14 C. **Community Property and Debts.** The Court affirms that there is no community
15 property or debt to be divided.
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17 D. **Legal Decision-Making [Custody].** The Court affirms that California has jurisdiction
18 over the minor child as reflected in the Orders currently in effect dated March 7, 2014, relating to
19 custody, parenting time and child support in the State of California, County of Los Angeles, under Case
20 No. TD 035397, in which Wife has been awarded sole physical and legal custody of the minor child.
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22 E. **Sole and Separate Personal Property.** The parties are reaffirmed all sole and separate
23 property they have acquired since they began living separate and apart in October 2001.
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25 F. **Separate Debt.** The parties are reaffirmed all sole and separate debt they have incurred
26 in their names only and shall be responsible for all debt they have incurred in their names only since they
27 began living separate and apart in October 2001. Husband is ordered to pay all debts unknown to Wife.
28 Wife is ordered to pay all debts unknown to Husband.

