COMMONWEALTH OF KENTUCKY BOOK 10576 PG 198
DAVIESS CIRCUIT COURT
DIVISION I, NO. 97-CI-00353

IN RE: THE MARRIAGE OF:

YOUNG SOOK KIM PETITIONER

AND

YOUNG KI KIM RESPONDENT

DECREE OF DISSOLUTION OF MARRIAGE

FINDINGS OF FACT

This case having come on for proof before the Commissioner, as required by law, on July 15, 1997, by the testimony and exhibits of Petitioner and the Commissioner having considered the pleadings and testimony, and the court being sufficiently advised, filed his report with the Court on August 7, 1997 and there being no exceptions filed within the 10 day period, the Court adopts the Report of the Circuit Commissioner as submitted and makes the following findings of fact:

That the Court has jurisdiction of the parties and the subject matter and the Petitioner has been a resident of the Commonwealth of Kentucky for more than 180 days prior to the filing of this petition. Neither Party has been a member of the Armed Forces of the United States prior to the time of filing of this petition.

The record reflects that pursuant to KRS 454.210, Respondent

was notified and served a copy of the Petition by the Office of the Secretary of State. On June 3, 1997, Attorney for Petitioner served notice of this hearing on Respondent by mailing a Notice to Offer Proof. The Respondent has not responded to the Petition or the Notice to Offer Proof and did not appear at the hearing.

The marriage of the parties is irretrievably broken without reasonable prospects of reconciliation; that counseling would be to no avail; Petitioner wife is not pregnant.

The parties were married in Los Angeles, California on December 28, 1975. There is one minor child born of the marriage, namely, Andrew Kim, being 15 years of age.

Respondent is a citizen of South Korea. Both parties are physicians, Petitioner practicing in Owensboro, Kentucky, and Respondent practicing in South Korea. The parties separated as husband and wife on September 15, 1992. The last contact Petitioner has had with the husband was in early June of 1996. During June, 1996, Respondent failed to appear at the Evansville, Indiana Airport when he had notified Petitioner of his intent to return from Korea. Since said time, Respondent has refused to contact Petitioner or return to Owensboro, Kentucky.

The proof is that the husband has never contributed to the support of Petitioner or the parties' children and has never contributed any funds for the payment of marital debts or for acquisition of any marital property. Petitioner has supported both herself and her two children since their birth solely from her income. It is evident that Respondent has abandoned Petitioner and her minor child.

Respondent practices medicine is or near Seoul, South Korea. He owns a clinic and has accumulated assets of unknown description or value, refusing to divulge said assets to Petitioner. Respondent has chosen not to become a U.S. Citizen, although he has a green card, which permits him to legally enter the United States. Respondent has never practiced medicine with Petitioner. Respondent has refused to move permanently to the United States, become a U.S. Citizen or to financially help Petitioner in her support, payment of marital debts or marital property and support for the minor children.

Respondent's income is unknown, however, Petitioner's income is $200,000+- per annum.

Assets have been accumulated in the United States as follows:

1. REAL ESTATE

A. 4162 Fox Run Lane, Owensboro, Kentucky. Debt to Owensboro National Bank $44,000, property titled in joint names of parties, Exhibit 1 to transcript of evidence.

B. 404 Klondike Avenue, Staten Island, New York, in the name of Petitioner only, mortgaged to Green Point Bank, in the amount of $100,805, Exhibit 2 to transcript of evidence.

C. 2116 Hobbs Road, Unit L-2, Nashville, Tennessee, in joint names, (Power of Attorney having been given by Respondent to Petitioner for sale of the property) Exhibit 3 to transcript of evidence.

2. CHECKING ACCOUNTS

Owensboro National Bank in the name of Petitioner only.

All funds deposited therein from her earnings, no contribution from Respondent.

Business Accounts receivable from medical practice of Petitioner only. No contribution from Respondent.

3. CERTIFICATES OF DEPOSIT Exhibit 4 to transcript of evidence.

Bank One Account #0900027400273 in the approximate amount of $115,760 in the name of Petitioner only.

Owensboro National Bank #0100542497 in the amount of $232,667.59, in the name of Young Sook Kim or Young Ki Kim; no contribution by Respondent of any funds, all funds being contributed from the sole income of Petitioner.

4. KEOGH PLAN

Owensboro National Bank, account #13004931013, Exhibit #5 to transcript of evidence, all funds being contributed from Petitioner's earnings. Respondent has waived all interest in the plans as a beneficiary.

5. STOCK

Stocks in Petitioner's name only with Hilliard-Lyons, Exhibit 6 to transcript of evidence.

6. VEHICLES

1993 Lexus, 1988 Nissan, 1996 Ford Explorer, in Petitioner's name only, no debt, paid for from her funds only, no contribution by Respondent.

7. HOUSEHOLD GOODS AND FURNISHINGS

Petitioner acquired the household goods and furnishings with her funds, with no contribution from Respondent.

Petitioner requested that all of the above property accumulated and located in the United States be awarded to her as her separate property and that she will assume and pay all debts; that the husband receive as his separate property all assets accumulated and located in South Korea.

Respondent has refused to participate in the care or control of the parties' minor child. Said child will be 16 years of age August, 1997. That Respondent will not appear before this Court for proof, that Petitioner has not been able to locate Respondent and therefore, Respondent will apparently not attend any required Parenting Clinic.

Petitioner stated she did not need maintenance.

The Court finds that all of the property listed herein was acquired and paid for from the earnings of Petitioner, without any contribution by Respondent; that Respondent has accumulated property in South Korea, description and location unknown, however, that Respondent has been a practicing physician in South Korea for many years; that Respondent has abandoned Petitioner and their children, has not contributed to their support, the payment of marital debts, or acquisition and payment of any marital property located in the United States; that Respondent has refused to become a citizen of the United States and has been absent from Kentucky for more than one year prior to the filing of this petition; that Petitioner has had to provide total care and control of the two children born of the marriage; that there is presently one minor, being 15+ years of age.

It is evident that Respondent will not appear to sign any deed transferring interest in real estate located in the United States.

CONCLUSIONS OF LAW

IT IS HEREBY ORDERED AND ADJUDGED as follows:

That the marriage between the parties hereinabove named be and is hereby dissolved.

That Petitioner is awarded sole custody of the minor child; that there shall be no visitation by Respondent, unless he Petitions for visitation before this Court and complies with all rules of this Court pertaining to visitation.

That there is no award of maintenance or child support to Petitioner. That Petitioner have exclusive income tax exemption for the minor child.

That all property described in the above Findings of Fact items 1 through 7, located in the United States, is hereby awarded to Petitioner as her separate property and that she shall assume and pay all the indebtedness against said property. In division of the marital property, Petitioner shall not be entitled to any property accumulated by Respondent which is located in South Korea and Respondent shall be responsible for and pay any indebtedness against said property and hold Petitioner free and harmless from any such debt.

The Circuit Commissioner shall execute deeds necessary to transfer to Petitioner all interest of Respondent in and to the property titled in both names located in Nashville, Tennessee and

Owensboro, Kentucky.

Petitioner shall not be required to attend the parenting clinic.

Petitioner shall pay all court costs of this action and her own attorney's fees.

This the 19th day of August, 1997.

Garland W Howard

Garland W. Howard, Judge
Daviess Circuit Court, Div. I

PREPARED BY:

Thomas A. Carroll

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Attorney for Petitioner

I CERTIFY THAT THE FOREGOING IS A FULL AND CORRECT COPY AS APPEARS IN MY OFFICE THIS 19th DAY OF Aug 1997
PAT HARDESTY, CLERK
DAVIESS CIRCUIT COURT
BY Kay Winstead D.C.

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IDENTIF. + REFERENCE

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FELIX Z. [illegible] REGISTER
DAVIDSON COUNTY, TN.

MAIL ENV.