

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION

SAMANTHA GIBSON,)
)
 Petitioner,)
) **CIVIL ACTION**
and)
) **FILE NO.: 2020CV340644**
TYRESE GIBSON,)
)
 Respondent.)

ORDER GRANTING PETITIONER’S POST-JUDGMENT MOTION FOR CONTEMPT

Petitioner Samantha Gibson (“Mother” or “Wife”) filed a *Petition for Post-Judgment Motion for Citation of Contempt for Failure to Pay Child Support* on July 5, 2023, alleging that Respondent Tyrese Gibson (“Father” or “Husband”) failed to pay the full amount of the Court Ordered monthly child support for the months of July, August, September and October. This matter was scheduled for an in-person hearing on October 2, 2023, pursuant to an *Amended Notice of Contempt Hearing* filed August 23, 2023. All parties and counsel appeared at the designated date and time for a hearing. The Court having received evidence and having heard argument of counsel, FINDS and ORDERS as follows:

A final trial was held in the above-styled action on August 29, 2022, and August 30, 2022. The Court entered its *Final Judgment and Decree of Divorce* (“Final Decree”) on February 14, 2023, *nunc pro tunc* August 30, 2022. Pursuant to Paragraph 27 of the Final Decree:

Beginning September 1, 2022, and continuing to be due and payable via electronic transfer on the first (1st) day of each and every month thereafter, Husband shall pay to Wife child support in the amount of Ten Thousand Six Hundred Ninety and 00/100 Dollars (\$10,690.00) per month for the support and maintenance of the Child.

Despite the express terms of the Final Decree, Husband has failed and refused to issue the full monthly child support payment to Wife and, instead, has unilaterally chosen to pay \$3,500.00 per

month in July, August, September and October 2023. As of October 2, 2023, Father has a monthly child support arrearage owed to Mother in the amount of \$28,760.00.

The Court FINDS Respondent Tyrese Gibson to be in willful contempt. To purge himself of said contempt, it is ORDERED that Respondent Tyrese Gibson shall pay via electronic transfer to Mother the amount of \$28,760.00 on or before 5:00 p.m. on Wednesday, October 4, 2023.

The Court has also considered the applicable factors set forth in O.C.G.A. § 7-4-12.1, and FINDS that (1) no good cause existed for Father's nonpayment of the full child support amounts; (2) Payment of the interest would not result in substantial and unreasonable hardship for Father; (3) Applying the interest would not enhance or detract from Father's current ability to pay child support; and (4) the waiver or reduction of interest would result in substantial and unreasonable hardship to Mother in light of all circumstances. It is therefore ORDERED that Respondent Tyrese Gibson shall also pay via electronic transfer to Mother the accrued interest in the amount of \$396.07 on or before 5:00 p.m. on Wednesday, October 4, 2023.

In sum, to purge himself of Contempt with respect to the monthly child support arrearage, it is ORDERED that Respondent Tyrese Gibson shall pay via electronic transfer to Mother the principal sum plus accrued interest in the total amount of \$29,156.07 on or before 5:00 p.m. on Wednesday, October 4, 2023.

Respondent Tyrese Gibson shall make all future child support payments, as Ordered by this Court, in a timely manner until further Ordered otherwise.

The issue of attorney's fees pursuant to O.C.G.A. § 19-6-2(a) is reserved.

So ORDERED, this 3 day of October, 2023.



THE HONORABLE KEVIN M. FARMER
JUDGE, SUPERIOR COURT OF FULTON COUNTY

Prepared and presented by:

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