

**IN THE CIRCUIT COURT OF THE 15th JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA**

**Family Division
Case No. 501971DR004137XXDIFD**

**IN RE MARRIAGE OF:
SHARON ANN MAYO f/k/a SHARON ANN CABANA
Petitioner,**

and

**WILLIAM A. CABANA
Respondent , pro se.**

**FORMER HUSBAND'S MOTION FOR JUDICIAL NOTICE:
Proof of Former Husband's January 2009 Purge Payment
of Alimony Arrearages**

COMES NOW WILLIAM A. CABANA, pro se, respectfully requesting this court to notice that he has complied with the purge payment requirements pursuant to the Honorable Judge Elizabeth Maass's Order Adjudicating Former Husband in Contempt.

In support he offers:

1. On December 19, 2008, an order was entered adjudicating Former Husband in Contempt (D.E. 449).
2. Page 2, ¶ 3 of that order specified that "To be excused from the hearing, the Former Husband must present documentation from FLSDU to the magistrate at least 24 hours prior to the hearing that the payments are current."
3. The first purge payment of the alimony arrearages was due on January 1, 2009. Since the first day of January is a National holiday, the payment was made to the FLSDU through their Internet online agent "MyFloridaCounty.com" on January 2, 2009 from which a payment receipt was generated.

4. Former Husband then filed a Notice of Compliance on January 7, 2009 containing a copy of the receipt showing payment to the FLSDU. (D.E. 474)

5. Former Husband's Colonial bank account XXXX4501 shows a FLSDU withdrawal of the required purge payment of \$250 plus \$5.00 service fee on January 5, 2009. See attached.

5. Former Husband feels he has acted in good faith and complied with all the requirements of the contempt order and that a further hearing as indicated in Magistrate Joy Shearer's Order Setting Commitment Hearing dated January 23, 2009 is not needed.

6. Former Wife has not provided this court with a certified statement of non-payment as evidence from the FLSDU that the payment is delinquent nor has the FLSDU sent any notice of delinquency pursuant to F.S. 61.14.

7. In the event that the hearing is not cancelled, Former Husband motions this court to permit him an appearance by phone, with his participating by speakerphone and Former Wife present. The court has on several occasions found Former Husband indigent for the purpose of appeal (D.E. 379, 487), inability to pay a purge (D.E. 398, 406), and to require a personal appearance from his home in Venice, FL would be to impose an undue and unnecessary financial hardship on him.

Former Husband will be at his home at the time of the hearing on February 3, 2009 and can either accept a collect call at 941-480-1395 or he will call into the court at the time of the hearing at 1:30 p.m.

WHEREFORE WILLIAM A. CABANA, *pro se*, prays that the Court take notice of these facts and vacate the Order Setting Commitment Hearing or in the alternative, grant his motion to appear by phone.

Respectfully submitted,

William A. Cabana

Date: January 27, 2009

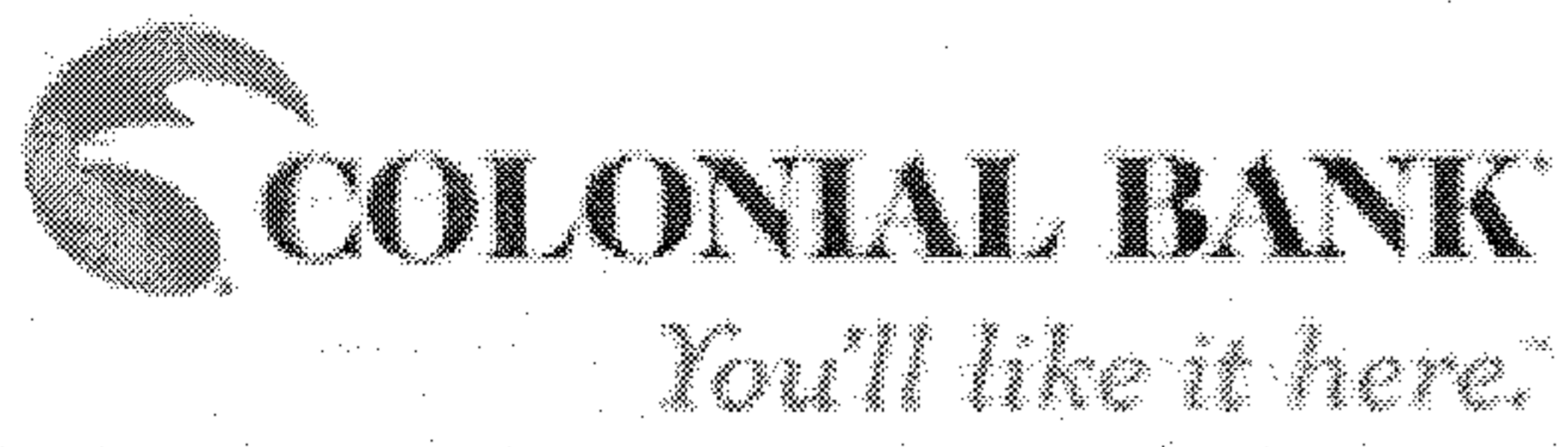
William A. Cabana, pro se
1050 Capri Isles Blvd., Apt F-105
Venice, FL 34292
Telephone: 941-480-1395
Email: bcabana2@comcast.net

Certificate of Service

I certify that a true copy of the foregoing was furnished by U.S. Mail to Sharon Ann Mayo, 220 Almeria Ave., West Palm Beach, FL 33405, this 27th day of January, 2009.

William A. Cabana

William A. Cabana, pro se
1050 Capri Isles Blvd., Apt F-105
Venice, FL 34292
Telephone: 941-480-1395
Email: bcabana2@comcast.net



Account Activity

Activity for your account is displayed below. Click the check number hyperlink to view a check image if available for your account.

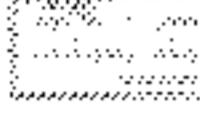
Classic Advantage Limited Checking	
Account Name:	Classic Advantage Limited Checking
Account Number:	xxx4501
As of Date:	1/26/2009
Current Balance:	\$365.10
Available Balance:	\$365.10
Interest Earned YTD:	\$0.00
Interest Rate:	0.00 %
Previous Year's Interest:	\$0.00

Pending Transactions

Posted Transactions

Account	Classic Advantage Limited Checking 4501	
Search Type	-- ALL --	Transactions Per Page 30
From	12/27/2008	To 1/26/2009

Date	No.	Transaction Type	Description	Debit	Credit	Balance
1/23/2009	995029	CHECK	Check 995029	\$30.00		\$365.10
1/21/2009		DIRECTDEBIT	FPL DIRECT DEBITELEC PYMT	\$46.17		\$395.10
1/12/2009		DIRECTDEBIT	COMCAST OF W FLOCABLE PYMT	\$47.72		\$441.27
1/12/2009		DIRECTDEBIT	ALLSTATE INS CO INS PREM	\$60.64		\$488.99
1/8/2009		DIRECTDEBIT	VERIZON PaymentREC	\$12.76		\$549.63
1/6/2009		DIRECTDEBIT	WAL-MART ONLINE PMT	\$137.81		\$562.39

1/5/2009		POS	NFI*WWW.NETFLIX.COM CA	\$18.18		\$700.20
1/5/2009		DIRECTDEBIT	AARP HEALTH CAREPREMIUM	\$192.50		\$718.38
1/5/2009		DIRECTDEBIT	MYFLORIDACOUNTY CHILD SUPP	\$255.00		\$910.88
1/2/2009		DIRECTDEBIT	SCTYFAMYMCA MBSHP/PRO	\$22.00		\$1,165.88
1/2/2009		DIRECTDEP	US TREASURY 303		\$857.00	\$1,187.88
12/30/2008		DEP	Deposit		\$255.25	\$330.88

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