

**IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN
AND FOR PALM BEACH COUNTY,
FLORIDA
Family Division
Case No. 501971 DR004137XXDIFD**

**In Re Marriage of
WILLIAM A. CABANA
Petitioner, Former Husband, pro se**

and

**SHARON ANN MAYO f/k/a
SHARON ANN CABANA
Respondent/Former Wife.**

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FAMILY DIVISION

Summary Of Former Wife's Financial Data Material Errors

1. On August 14, 2003, Former Wife filed a Financial Affidavit (Exhibit A)
2. On June 9, 2005, Former Wife filed a First Amended Family Law Financial Affidavit (Exhibit B).
3. On various dates, Former Wife has submitted financial documents supporting Exhibits A & B, interrogatories and supplemental answers (Exhibits C thru L)
4. Former Husband has compiled public records from the Internet (Exhibits #1-8)
5. Former wife has made material misrepresentations in the preparation of both her Financial Affidavits (Exhibits A & B) as follows:
 - a. Former Wife's Wachovia nine (9) bank statements for the periods of 1/28/03 thru 7/25/03 and for 2/24/05 thru 5/24/05 (see Exhibit C-1 thru C-9) show deposits totaling \$48,211 or an average of \$5,357/mo. (\$64,284/yr). In that she has not provided any of the other 27 monthly statements nor IRS 1040 Tax

Returns for 2003 and 2004, as required by Former Husband's Request to Produce filed June 13, 2005, it appears that there is another source of income of which is intentionally and fraudulently unreported in the Financial Affidavits.

b. Former Wife's Wachovia bank statement of 4/26/05 (Exhibit C-2) shows an opening balance of \$4,121 with deposits for that month of \$12,012. Former Wife's non-check withdrawal of \$11,866 drew down her account to \$911 as shown on her Amended Financial Affidavit. (Exhibit B, page 4). A transaction like this would create a low "cash in banks" entry on the affidavit. She has provided no supporting documentation to show the withdrawal was otherwise.

c. Her Amended Financial Affidavit (Exhibit B) indicates a monthly income of only \$1,237/month while her true income is closer to the \$5,357/mo. This is a difference of \$4,120/mo. additional income. There is no documentation showing the source of the additional income and the income is not shown on any of the Financial Affidavits.

d. Former Wife has understated the market value of the Almeria, Saturn and Okeechobee properties on both Exhibit A and B as follows:

- i. Almeria house (Exhibit A) shows a market value of \$187,500. The Palm Beach County Appraiser (Exhibit #1) shows a market value of \$381,565.
- ii. Almeria house (Exhibit B) shows an estimated market value of \$350,000. The Palm Beach County Appraiser (Exhibit #2) shows a market value of \$445,513.

- iii. Saturn rental house (Exhibit A) shows a market value of \$69,562. The Palm Beach County Appraiser (Exhibit #3) shows a market value of \$83,401.
 - iv. Saturn rental house (Exhibit B) shows a market value of \$89,000. The Palm Beach County Appraiser (Exhibit #4) shows a market value of \$120,769
 - v. Okeechobee land (Exhibit A) shows a market value for a 1/5th interest of \$8,000. The Okeechobee County Appraiser (Exhibit #5A&B) shows the deed held in Former Wife's name alone and indicates a market value of \$12,000.
 - vi. Okeechobee land (Exhibit B) shows a market value of \$18,750. The Okeechobee County Appraiser (Exhibit #6 A&B) shows a market value of \$39,015.
 - vii. For items (i.) thru (vi.) above, Former Wife has understated the market values in a total amount for Exhibit A of \$211,904 and for Exhibit B of \$145,547. The Palm Beach County Appraiser's market value was available to Former Wife off the Internet to utilize in compiling her affidavits and she apparently chose not to include them.
- b. A personal loan secured by the Almeria property was made by Former Wife with the Gold Coast Federal Credit Union in the amount of \$50,000 on Jan. 15, 2003 (Exhibit E-1) along with a letter indicating the money has been deposited in her checking account (Exhibit E-2) and a subsequent withdrawal on Jan. 16, 2003 of \$41,898.98. It is undisclosed where that money went. The

balance was withdrawn by check #1626 on April 26, 2003 in the amount of \$3,000; check #1627 on May 15, 2003 in the amount of \$395.50 and check #1628 on May 16, 2003 in the amount of \$2,500 all of which are to persons unknown as the checks have never been submitted as required by my Motion to Compel Production filed on June 30, 2005.

c. Exhibit G shows the personal loan account is held in the name of Former Wife and daughter Tawny Mayo-Poppel. It is undisclosed what portion of the loan Tawny is paying off. Former Wife is claiming the full burden of the loan payment on her financial affidavit (Exhibits A & B)

d. On Exhibit A, Former Wife shows the personal loan remainder amount of \$49,800 as a liability but nowhere does the \$50,000 proceeds from this loan show up in any category of income or assets on Exhibit A, which was dated August 14, 2003 just seven month prior nor accounted for where the proceeds were distributed.

e. The personal loan payments in the amount of \$395/mo. shows up on Exhibit B as a mortgage expense on her home. She received the \$50,000 funds on Jan 13, 2003 yet her bank account statement of Jan.28 thru Feb. 25th (Exhibit C-4) only indicated an opening balance of \$9,579.60. In effect, she is misrepresenting expenses for a personal loan by not showing the proceeds as an asset to offset expenses or to account for its disbursement.

f. Former Wife Financial Affidavits (Exhibits A & B) indicates a rental garage apartment generating \$1,000/yr or \$83/mo income which appear to be an under market rate rental and is unrealistic This same rent was shown on her 2001

tax return (Exhibit D) and again on her Financial Affidavit (Exhibit B) in 2005.

There has been no change in the rental amount for over 4 years, which is unrealistic.

g. The Former Wife has not provided any rental agreements, records or receipts verifying the under-market garage apartment rental income or expenses.

h. On Former Wife's 1040 Income Tax Return for 2001 (see Exhibit D) The investment rental house (4401 Saturn Ave.) shows a previous history of rental income for that year of \$6,720/yr. or \$560/mo..

i. No rental income for the Saturn rental property is noted on either of Former Wife's Financial Affidavits but on Exhibit A, page 3, item G, she shows expenses of \$11,496/yr and liabilities of \$8,598 on page 5, Item B of the same exhibit for amounts owing for repairs.

j. On Exhibit B, page 3, Item G shows expenses \$699.57/mo. for mortgage and property taxes for the Saturn rental property, but no rental income.

k. On Former Wife's Exhibit A, page 3, Item G, she shows a Saturn rental mortgage payment of \$346.00/mo. and on her Exhibit B, page 3, Item G, she shows a mortgage payment of \$515.32/mo. This was an apparent re-financing in the interim but no proceeds are shown as income on any of her affidavits.

l. The Washington Mutual Home Loan statement (Exhibit F) shows the account for the Saturn rental property loan in the name of Former Wife and her son, Peter Mayo. It has been undisclosed by Former Wife what amount of the loan is being repaid by Peter Mayo. She is claiming the full burden of the loan payment on her financial affidavit (Exhibits A & B)

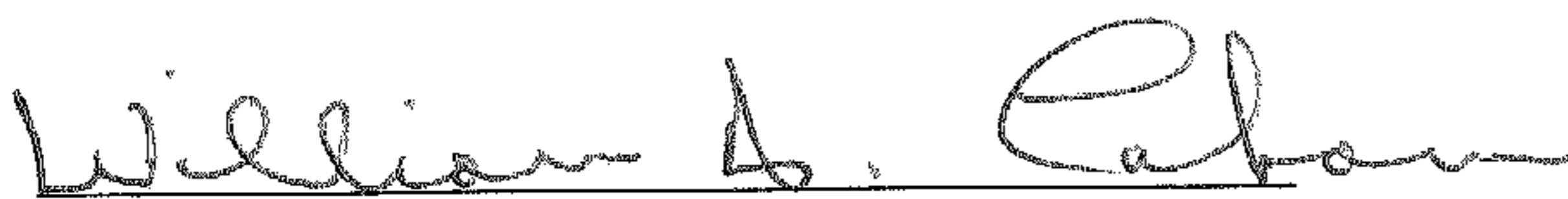
- m. The Saturn rental property is showing a continuing on-going loss, which makes no economic sense. The net result of this rental is: rental income shown on her affidavits Exhibits A & B as \$0 (zero dollars) and mortgage payment plus expenses as a loss of \$14,496/yr.
- n. On Exhibit B, page 2, Item A, the utilities for the City of West Palm Beach for water, sewage and garbage (Exhibit H) for Former Wife's garage rental unit are being included along with her personal household expenses.
- o. On Exhibit B, page 4, Item A, Former Wife has indicated a total value for personal property and household furnishings in the total amount of \$900. State Farm Insurance invoice (Exhibit I-1) shows a homeowner's insurance premium of \$746 for the Almeria home and \$431 premium (Exhibit I-2) for the rental dwelling. It is undisclosed for which rental unit it is covering. It appears inconsistent that she would pay \$1,177 insurance each year to cover only \$900 worth of property. Credit card purchases from Adventure Times Kayak (Exhibit J) alone reveal a kayak purchase with accessories in the amount of \$1,323. It is obvious that the actual value of the furnishing has been intentionally understated.
- p. On Exhibit B, Former Wife has indicated the value of her '91 Toyota Camry as \$625. The Kelly Blue Book value (Exhibit #7) of this vehicle shows approx. \$3,435.
- q. On Exhibit B, page 3, Item B, Former Wife shows \$229/mo. or \$2,748/yr. for auto repairs. It seems illogical to spend almost \$3,000 to repair a car worth only \$625.

6. The Former Husband alleges that the Former Wife is operating a business under the unrecorded fictitious name of Sherry Cleaning (Exhibit #8-A&B) with a listing in the phone book of her address and a phone number. This business apparently has been in operation for a minimum of 2 years and possibly longer. It is not logical to pay for listings that are not producing any income to cover the cost.
7. On the Amended Financial Affidavit (Exhibit C, page 2), which asks for income from sources such as self-employment, it is blank with no income reported. Her unaccounted-for bank deposits appear to indicate otherwise.
8. Former wife claims she has no records, receipts or any other evidence as to her rental properties and listed business. The IRS requires records be available for inspection at all times for their inspection. In addition to these, Former Wife can has not produced her tax returns for 2003 and 2004.
9. On her interrogatory Former Wife shows the name of Hyman Zacharia, CPA for 2003 and 2004 tax returns as keeper of her financial records (Exhibit K). It would seem apparent that he would need records and receipts to generate her tax returns in accordance with the IRS requirements. For her to say to the court she does not have the records or the returns appears to be for the purpose of concealing her true financial condition.
10. On Former Wife's Answers to Supplemental Interrogatories, question #5 of June 24, 2005 (Exhibit L), she answered "YES" that she was in need of the alimony for "basic living expenses." Former Wife has failed to show how can anyone who has the disposable income to be able to purchase investment rental properties, land, condo in Vermont, stocks, mutual funds, laminate flooring and kayaks can be in need of alimony for her basic living needs?

11. Former Wife has failed to comply with the applicable rules of discovery and has only submitted a sketchy outline of her financial details and in some cases has omitted them completely.

12. On the financial statement she supplied which she had signed and notarized, there is a statement at the end of the form that states: "I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement **"includes fines and/or imprisonment."**

Respectfully submitted,



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Certificate of Service

I certify that a copy of this Summary Of Former Wife's Financial Data Material Errors was hand-delivered to Cathy L. Kamber, P.A., Attorneys for former wife., 1675 Palm Beach Lakes Boulevard, The Forum, Tower A, Suite 700, West Palm Beach, FL 33401 this 29 day of August, 2005



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