

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, FLORIDA  
CIVIL DIVISION

WILLIAM A. CABANA, *pro se*,

v.

Case No.: 06-CA-5063-SC

JAMES ZINGALE, EXECUTIVE  
DIRECTOR, FLORIDA  
DEPARTMENT OF REVENUE  
(In his official capacity)

KAREN E. RUSHING  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FL

2006 NOV 13 PM 2:28

FILED FOR RECORD  
VENICE BRANCH

PLAINTIFF'S AFFIDAVIT OF UNDISPUTED FACTS.

Comes now William A. Cabana, plaintiff *pro se* with the assistance of counsel, in the above-captioned matter and, pursuant to Fla R. Civ. P.1.510, respectfully submitting an Affidavit of Undisputed Facts. Both Plaintiff and Counsel for Defendant agree there are no disputed facts (See attached Exhibit A), which are as follows:

1. WILLIAM A. CABANA is a resident of Venice, FL, Sarasota County Florida.
2. WILLIAM A. CABANA'S marriage was dissolved by Order of the Courts of the State of Florida on July 28, 1972 (Fifteenth Judicial Circuit Court of Florida Case Number 501971DR004137XXDIFD). Over thirty three (33) years ago he was ordered to pay twenty-five dollars (\$25) a week alimony.
3. Prior to issuing its July 28, 1972 Order the State, through its Court, invaded and examined the intimate details of the privacy area of the marriage of WILLIAM A. CABANA.
4. After its invasion and examination of the intimate details of WILLIAM A. CABANA'S



privacy area of marriage the State, through its Court reassigned the property rights between WILLIAM A. CABANA and Sharon Ann Cabana (aka Mayo).

5. The State, through its Court, redistributed the marital property of WILLIAM A. CABANA and Sharon Ann Cabana (aka Mayo) pursuant to § 61.075 Fla. Stat.
6. The State, through its Court's Order of Final Judgment of Dissolution required WILLIAM A. CABANA to pay permanent alimony, i.e. postdissolution permanent spousal support.
7. WILLIAM A. CABANA has been jailed at least twice for failing to pay alimony pursuant to §61.08 Fla. Stat. in 1991 and in 2006.
8. WILLIAM A. CABANA, if he fails to pay his permanent alimony arrearages from his divorce now thirty-three years after his divorce he is subject to being jailed and the ongoing threat of Social Security garnishment.
9. WILLIAM A. CABANA had met his alimony obligation for over thirty years.
10. WILLIAM A. CABANA lives with an income below the poverty level.
11. WILLIAM A. CABANA has been granted indigent status by the Fifteenth Judicial Circuit Court of Florida.
12. WILLIAM A. CABANA is subject to arrest warrants and imprisonment because of the enforcement of a Chapter 61 Final Judgment Order. Such enforcement is part of Chapter 61 Fla. Stat.

Respectfully submitted,



November 13, 2006

William A. Cabana. *pro se*, prepared with assistance of counsel  
1050 Capri Isles Blvd., Apt F-105  
Venice, FL 34292  
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**Certificate of Service**

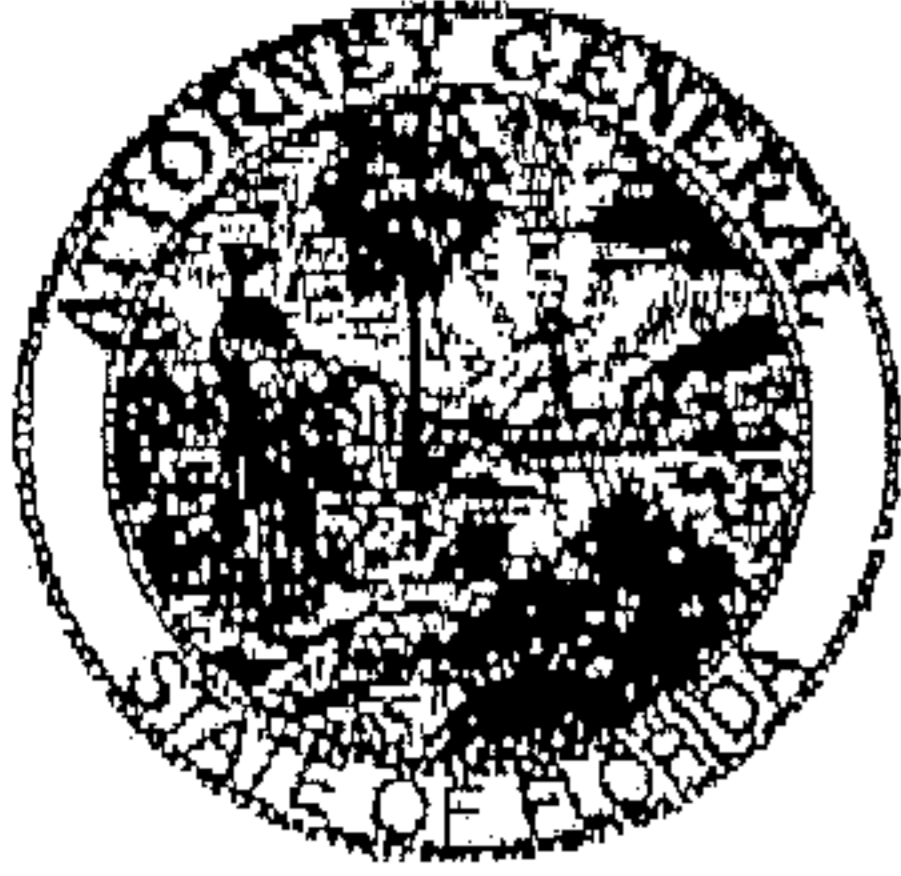
I hereby certify that on the 13<sup>th</sup> day of November, 2006, I caused a true and accurate copy of the foregoing motion to be mailed by first class mail prepaid to:

George Waas, Esq.  
Special Counsel  
Office of the Attorney General  
PL-01 The Capital  
Tallahassee, FL 32399-1015  
Counsel for the Defendant and for the Office of the Attorney General

Respectfully submitted,



William A. Cabana. *pro se*  
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November 9, 2006

VIA FACSIMILE ONLY (941) 480-1395

William A. Cabana  
1050 Capri Isles Blvd., #F-105  
Venice, FL 34292

RE: Case No. 06-CA-5063-SC

Dear Mr. Cabana:

I have your letter of this day. In that a motion to dismiss automatically admits the truth of all well-plead facts, there is nothing further that needs to be done. Of course, some of your allegations in paragraphs 16-84 are conclusions of law, or involve assertions that are not factual in nature. But the court will be able to discern between the admitted facts and the matters that are legal conclusions or argument.

Sincerely,


  
George Waas

EXHIBIT A