

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: THE MARRIAGE OF

CASE NO: 501971DR004137XXDIFD

WILLIAM A. CABANA,
Petitioner/Former Husband,

FAMILY DIVISION

and

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

**ORDER ON FORMER HUSBAND'S SUPPLEMENTAL
PETITION FOR MODIFICATION OF ALIMONY AND
FORMER WIFE'S PRAYER FOR ATTORNEYS FEES AND COSTS**

THIS CAUSE was presented before the Court on January 5, 2006 and January 6, 2006 upon the Former Husband's Supplemental Petition for Modification of Alimony, Former Wife's Amended Motion for Contempt for non payment of support, and Former Wife's Answer and Counter Petition for Attorneys Fees, Costs and Litigation Expenses. At the conclusion of Former Husband's case, the Court granted a directed verdict in favor of Former Wife as to paragraphs 4(a), 4(b) and 4 (c) of the supplemental petition for failure to present sufficient evidence to show a substantial change in Former Husband's financial circumstances subsequent to the Final Judgment sought to be modified. Having considered the evidence and testimony presented as to paragraph 4(d) of Former Husband's Supplemental Petition, the Court finds and decides as follows:

- A. Paragraph 4(d) of Former Husband's Supplemental Petition for Modification of Alimony alleges that Former Wife has no need for receipt of alimony, which

- was awarded in the amount of \$25.00 per week in the Final Judgment of Dissolution of Marriage dated July 28, 1972;
- B. The Court has not received credible evidence of Former Wife's income in the year 1972;
- C. There is no question that the Former Wife has a full time job which generates sufficient earned income to meet Former Wife's reasonable needs; exclusive of certain expenses which were created subsequent to the dissolution of marriage; and
- D. The Former Wife owns a valuable single family residence, rental property and two unimproved lots.

It is thereupon Ordered and Adjudged as follows:

1. Former Husband's Supplemental Petition for Modification of Alimony is granted retroactive to the date of filing of the petition.
2. The Final Judgment Dissolving Marriage entered in the captioned cause is hereby modified, retroactive to April 5, 2005, to eliminate further accruals of alimony.
3. The Former Husband has caused Former Wife to incur substantial expense in investigating and defending the subject modification petition, and in pursuing her Amended Motion for Contempt (for non payment of alimony) and Motion for Contempt (for non payment of previously awarded attorneys fees), by his deliberate, wilful and persistent failure

to comply with Court Orders and procedural rules, and by lying and hiding his income and assets. The Former Wife's Counter Petition for Attorneys Fees, Costs and Litigation Expenses, and prayers for attorneys fees and costs as contained in her said Motions for Contempt is granted in part, primarily based on factors set forth in Rosen v. Rosen, 696 So. 2nd 697 (Fla. 1997) and its progeny. A separate order will be entered thereon.

4. Jurisdiction of this cause and of the parties is hereby retained for the purpose to entering such further orders as to this Court may deem necessary.

DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida, this _____ day of January, 2006.

SIGNED & DATED

JAN 24 2006

CIRCUIT COURT JUDGE

Cathy L. Kamber, Esq., 1675 Palm Beach Lakes Blvd., Suite 700, West Palm Beach, FL 33401

William A. Cabana, 1050 Capri Isles Blvd., #F105, Venice, FL 34292