

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

FAMILY DIVISION
CASE NO. 50 1971 DR 004137 FD

**IN RE: THE FORMER MARRIAGE OF:
SHARON ANN CABANA**

n/k/a SHARON ANN MAYO,
Petitioner/Former Wife,

and

WILLIAM A. CABANA,
Respondent/Former Husband.

ORDER ADJUDICATING FORMER HUSBAND IN CONTEMPT

THIS CAUSE was presented before Magistrate Linda S. Goodwin, on October 1, 2008, on the Former Wife's Motion for Contempt and Other Relief. Both parties appeared and testified. Neither party was represented by counsel.

The Court has received the Report of the Magistrate. After consideration of the findings and recommendations, a review of the Court file, and the Court being otherwise fully advised in the premises, the Court finds as follows:

1. This Court has jurisdiction over the parties and the subject matter hereof.
2. The Court hereby incorporates by reference the findings of the Magistrate as if set forth fully herein.
3. The Former Husband has the ability to comply with the previous judgments and Orders of this Court to make the required payments to the alimony arrears and has wilfully refused to do so. The Former Husband failed to present a valid defense for his noncompliance. Thus, through the Former Husband's own fault and neglect, he has frustrated the purpose and intent of the Court's Orders. Garó v. Garó, 347 So.2d 418 (Fla. 1977); Faircloth v. Faircloth, 339 So.2d 650 (Fla. 1976); Fla. Fam L.R.P. 12.615; Bowen v. Bowen, 471 So.2d 1274 (Fla. 1985); Pompey v. Cochran, 685 So.2d 1007 (Fla. 4th DCA 1997); In re Amendments to the Family Law Rules of Procedure, 723 So.2d 208 (Fla. 1998).

IT IS THEREUPON ORDERED that:

1. The Recommended Order of the Magistrate is hereby accepted.
2. The Former Husband is in contempt for his failure to pay the required payments to the alimony arrears in compliance with the Court's Orders and shall be taken into custody and confined in the Palm Beach County Jail until he purges himself of the contempt. The Former Husband may purge the contempt by paying \$250.00 per month on the first (1st) day of each and every month to satisfy the outstanding arrears. The next purge payment of \$250.00 per month is due January 1, 2009.
3. The Former Husband, William Cabana, shall appear before Magistrate Linda S. Goodwin, in Hearing Room 6G, Sixth Floor, Palm Beach County Courthouse, 205 North Dixie Highway, West Palm Beach, Florida, on February 3, 2009, at 1:30 p.m. to present evidence and testimony to show why an Order for his arrest and commitment to the Palm Beach County Jail should not issue for his failure to abide by this Court's Order. Both parties must appear for the hearing. **FAILURE OF THE FORMER HUSBAND TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODILY ATTACHMENT FOR YOUR ARREST. IF YOU ARE ARRESTED YOU MAY BE HELD IN JAIL UP TO 48 HOURS BEFORE A HEARING IS HELD. THE HEARING WILL BE RECORDED BY ELECTRONIC REPORTING. IN ADDITION, EITHER PARTY MAY PROVIDE A COURT REPORTER AT THE PARTY'S EXPENSE.** *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.*
4. The parties are ordered to immediately advise each other and the Clerk of the Circuit Court of any changes in their Domestic Relations Information Affidavits which have been filed with the Court.
5. This Court specifically reserves jurisdiction of this entire matter to enter such further Orders as may be equitable.

DONE AND ORDERED in Palm Beach County, Florida, on this day of December, 2008.

CIRCUIT JUDGE ELIZABETH T. MAASS