

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

FAMILY DIVISION
CASE NO: 71-C-4137-FD

IN RE: THE MARRIAGE OF

WILLIAM A. CABANA,
Petitioner/Former Husband,

and

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

**FORMER WIFE'S MOTION TO DISMISS SUPPLEMENTAL PETITION FOR
MODIFICATION OF ALIMONY**

COMES NOW the Former Wife, SHARON ANN MAYO, by and through her undersigned counsel, and moves this Honorable Court to Dismiss Former Husband's Supplemental Petition for Modification of Alimony, and in support thereof states as follows:

1. In his Supplemental Petition for Modification of Alimony, Former Husband seeks to modify and eliminate the accrual of interest on past due support arrearages. Former Husband has failed to state a cause of action that would entitle him to eliminate the accrual of interest on support arrearages. The arrearages have been established and fixed, and interest accrues thereon by operation of law. Former Husband has no entitlement to terminate the accrual of interest.

2. In his Supplemental Petition for Modification of Alimony, Former Husband seeks to eliminate past due alimony. Former Husband has failed to state a cause of action

that would entitle him to eliminate past due alimony. The alimony arrearages have been established and fixed, and are vested rights of the Former Wife. Former Husband has no entitlement to avoidance of the accumulated alimony arrearages.

3. Former Wife offers to settle this motion without hearing if Former Husband will modify Supplemental Petition in accordance with the foregoing.

4. Former Wife has incurred attorneys fees in connection with this matter, for which Former Husband should be held answerable.

WHEREFORE Former Wife prays that this Honorable Court dismiss Former Husband's Supplemental Petition for Modification, award to her those reasonably incurred attorneys fees and costs in connection with the making and hearing of this motion, and for such and other relief as may be proper.

I HEREBY CERTIFY that a true copy of the foregoing was furnished by mail to William A. Cabana, 1050 Capri Isles Blvd., #F105, Venice, FL 34292, this 26th day of April, 2004.

RENICK & KAMBER
Attorneys for Former Wife
1530 No. Federal Highway
Lake Worth, FL 33460
(561) 582-6644

By: 

CATHY L. KAMBER, ESQ.
Florida Bar #312819