

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

IN RE: THE MARRIAGE OF

[REDACTED],
Petitioner/Wife,
and

[REDACTED],
Respondent/Husband,
and

[REDACTED],
A Delaware Limited Liability Company,
Third Party Defendant,
and

CASE NO: 50 [REDACTED]
FAMILY DIVISION: FD

[REDACTED]
Third Party Defendant,
and

[REDACTED]
Third Party Defendant,
and

[REDACTED],
A/K/A [REDACTED],
A/K/A [REDACTED], A/K/A, [REDACTED]
[REDACTED], as TRUSTEE OF [REDACTED]
[REDACTED],
Third Party Defendant,
and

[REDACTED]
Third Party Defendant,
and

[REDACTED]
[REDACTED]
Third Party Defendant.

/

FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE

THIS CAUSE came to be heard on March 15, 17, 18, 21 and 22nd, 2022 upon the Petitioner/Wife, [REDACTED], Petition for Dissolution of Marriage filed on March 17, 2017 [D.E. 2], Wife's Amended Petition for Dissolution of Marriage filed on October 30, 2020 [D.E. 639], Wife's Second Amended Petition for Dissolution of Marriage filed on January 14, 2021 [D.E. 705], and the Respondent/Husband, [REDACTED], Answer and Counterpetition filed on April 14, 2017 [D.E. 7], Answer to Amended Petition and Affirmative Defenses filed on November 18, 2020 [D.E. 656], Answer to Second Amended Petition filed on February 3, 2021 [D.E. 749], Husband's First Amended Counterpetition for Dissolution of Marriage filed on March 9, 2021 [D.E. 760, 769]. The Wife filed her Answer to Husband's Counterpetition on May 1, 2017 [D.E. 15], her Reply to Husband's Affirmative Defenses on December 8, 2020 [D.E. 681], and Answer to Husband's Amended Counterpetition on March 18, 2021 [D.E. 781]. The Third-Party Defendants filed their Answers to Wife's Second Amended Petition for Dissolution of Marriage on March 1, 2021 [D.E. 761 – 764], on March 2, 2021 [D.E. 765], and on March 17, 2021 [D.E. 777]. The Wife filed an Amended Notice of Voluntary Dismissal for Third-Party Defendant [REDACTED] on April 30, 2021 [D.E. 812].

The Wife was present and represented by Eddie Stephens, Esquire. The Husband was present and represented by [REDACTED], Esquire. The Husband represented himself *pro se* on behalf of Third-Party Defendant, [REDACTED]. Third-Party Defendants [REDACTED] and [REDACTED] were present, and were represented by [REDACTED], Esquire as counsel of record. Mr. [REDACTED], however, did not participate in, nor appear at, the trial. Third-Party Defendant, [REDACTED], did not appear at trial, despite being properly noticed. Third-Party Defendants [REDACTED], and [REDACTED]

were not present at trial, despite being properly noticed, and the Court further notes [REDACTED], Esquire is counsel of record on behalf of these two third-party defendants.

In making the findings of fact and conclusions in this case, the Court has carefully considered, compared, and weighed all of the evidence provided including the exhibits accepted into evidence. The Court has observed the candor and demeanor of the witnesses and determined their credibility. The Court has resolved all of the conflicts in the evidence.

In making the determinations set forth below, the Court has attempted to distill the testimony and salient facts together with the findings and conclusions necessary to a resolution of this case. In summarizing the substance of the witnesses' testimony, the Court has not included every detail of their testimony, nor attempted to state non-essential facts, however, because the Court has not done so, does not mean that it has failed to consider all of the evidence. In addition to all of the exhibits offered into evidence, the Court has considered all argument of counsel, the court file, and the testimony of the parties and their witnesses.

Based on the foregoing, the Court makes the following Findings of Fact and Conclusions of Law.

JURISDICTION

1. The Court has jurisdiction over the parties and the subject matter.
2. This Court has continuing jurisdiction over the children, the subject of this action pursuant to applicable Florida Statutes and the Uniform Child Custody Jurisdiction and Enforcement Act.
3. Florida is the home state and the state of habitual residence of the minor children. Accordingly, Florida is the sole jurisdictional state to determine child custody, parental responsibility, time-sharing, rights or custody, and rights of access concerning the children under

the Parental Kidnapping Prevention Act ("PKPA") and the Convention on the Civil Aspects of International Child Abduction enacted at The Hague ("CCAICA"). This Final Judgment is a child custody determination for the purposes of the UCCJEA and the Hague Convention.

4. Both parties have been residents of the State of Florida for at least six months before this action was filed.

MINOR CHILDREN

5. There are two (2) minor children born to the parties during the marriage, of which are the subject of this action is [REDACTED], male, born in year [REDACTED], and [REDACTED], male, born in year [REDACTED] ("minor children" or "children"). The Wife is not currently pregnant, and no further children are expected.

ISSUES FOR TRIAL

6. This action involves the determination by the Court of issues relating to timesharing, decision-making authority, equitable distribution of the marital assets and liabilities, including both parties' requests for unequal distribution of marital assets and liabilities including, but not limited to, Wife's request that the real property located at [REDACTED] [REDACTED] (hereinafter referred to as "El Dorado Property") be determined to have been transferred to the [REDACTED] in a fraudulent transfer or conveyance and that the El Dorado Property be deeded to the entity directed by the Wife so that she can sell it so that the funds raised can be distributed as set forth later in this Judgment.

7. In addition, the Wife requested alimony, child support, a reunification parenting plan for the minor children, to remain as sole Trustee of the [REDACTED] Trust (hereinafter referred to as the "Children's Trust"), and attorney's fees and costs. The Attorney ad Litem for the minor children filed a Request to create a constructive trust, of which

Request was joined by the Wife.

8. The Husband requested alimony, reinstatement as co-trustee of the Children's Trust, credits of attorney's fees owed to Wife, credits of his alimony and child support obligations to the Wife and minor children, credits due to Husband from the proceeds from the sale of [REDACTED], and attorneys' fees.

9. The parties' incomes were disputed and had to be determined by the Court.

BACKGROUND FACTS AND FINDINGS

10. The parties were married to each other on [REDACTED] 2001 in [REDACTED]. The Husband voluntarily left the marital residence in late 2018, and the parties have lived separate and apart since that date. Both parties agree that their marriage is irretrievably broken.

11. The Husband is [REDACTED] years old, and is a successful neurosurgeon.

12. The Wife is [REDACTED]-years old, and is currently unemployed. The Wife testified that she has not actively sought employment due to her ongoing daily, active involvement in salvaging all the parties' marital assets and liabilities to this action. The Wife stipulated she has an earning capacity of sixty thousand dollars (\$60,000.00) gross, per year.

13. This divorce was filed by the Wife on March 17, 2017 and started off rather unremarkably. The parties attempted an unsuccessful reconciliation.

14. On February 27, 2019, this Court entered its *Order Ratifying Partial Temporary Agreement*. This order required the Husband to maintain the expenses on the parties' marital residence in addition to all other expenses he is obligated to pay and maintain on the other marital assets, pay the Wife \$5,000.00 per month in child support, and to pay the minor children's private school tuition and expenses. After the entry of the Order, the Husband substantially failed to comply with same, remitting only a handful of payments directly to the Wife for child support –

and then ceasing such payments completely thereafter. The parties had accumulated significant assets over the course of their marriage. The parties owned two luxury properties in Palm Beach, and Land in [REDACTED] and the [REDACTED]. The parties' controlled assets that were partially owned by parties' business entities and partially owned by businesses owned by the Children's Trust (hereinafter referred to as "Family's Hybrid Assets") as denoted in the Wife's Accountant's Report (Wife's Exhibit 2).

15. On November 8, 2019, this Court entered its *Order on Wife's Amended Motion for Temporary Relief as to Alimony, Temporary Attorney's Fees, Temporary Attorney's Fees, Temporary Accounting Fees and Costs and Other Issues, Wife's Motion for Contempt/Enforcement of Order Ratifying Mediated Temporary Agreement and for Attorney's Fees and Costs; and Wife's Renewed Motion for Interim Partial Equitable Distribution* ("November 8, 2019 Order").

16. The Husband appealed the November 8, 2019 Order, which was ultimately affirmed by the 4th District Court of Appeals.

17. In this November 8, 2019 Order, Judge Sarah Willis found that the Husband had unilaterally filed bankruptcy for three of the marital businesses owned by the parties and the minor Children's Trust: [REDACTED], [REDACTED] and [REDACTED]. Husband had placed these marital businesses into bankruptcy without authority as the operating agreements for each business required the Wife's consent to do so, and thus, had depleted marital accounts and improperly taken money from the Children's Trust. In addition, the [REDACTED] and [REDACTED] residences were already in foreclosure because the Husband diverted resources historically used to maintain this debt to his ulterior purpose.

18. The Court made detailed findings of facts of the Husband's attempts to hide his income in the November 8, 2019 Order. Specifically, Judge Willis found that "[B]ased on the Husband's own actions and unwillingness to provide documents, most notably about the [REDACTED] [REDACTED], which has made it impossible to determine the Husband's income." At that time, the Wife's forensic accountant expert testified that the Husband's 2017 gross income was \$1,350,441. Her testimony was unrebutted. This has been the only reliable evidence of the Husband's income presented throughout this entire case. It is possible that Husband's gross income has increased since 2017 – but no further reliable financial information has been provided by the Husband to conduct such an analysis.

19. The Wife's forensic accountant further testified that, at that time, the Husband had depleted \$1.9 million from various marital/Children's Trust sources and Judge Willis found "[I]t appears the Husband has intentionally diverted assets and has not paid certain expenses to create a critical financial situation for his family while not being transparent about his own income."

20. As a result of the November 8, 2019 Order, the Husband was ordered to pay \$12,600 per month in temporary alimony to the Wife, and \$6,332.39 per month in temporary child support, in addition to Husband's already-existing obligations under the earlier partial temporary relief order.

21. The November 8, 2019 Order also found the Husband in indirect civil contempt for his failure to meet his prior-ordered temporary obligations to the Wife and minor children.

22. Further, the November 8, 2019 Order granted the Wife control over the parties' marital estate and Family's Hybrid Assets and granted her authority to salvage or manage the assets, in an attempt to save the estate from the Husband's carnage.

23. The Husband moved this Court to reduce his temporary child support and alimony

obligations during the pendency of this case. The Court subsequently entered an order on March 3, 2020, reducing the Husband's temporary child support obligation to \$3,477.48, as assets relied upon in determining the Husband's income had been placed in the Wife's control, pursuant to the November 8, 2019 Order. However, the Court denied the Husband's request to reduce his temporary alimony obligation as the Court found "...since the November 8, 2019 order, the Husband's average monthly gross income is approximately \$48,833.67." On the same day, this Court also entered an *Order on Wife's Motion for Contempt filed 11/27/29, wherein* the Husband was found in civil contempt, again, for not paying his court-ordered temporary obligations.

24. Despite the clear November 8, 2019 Order providing the Wife authority over the parties' marital assets and Family Hybrid Assets, the Court had to enter a series of orders thereafter compelling the Husband to cooperate with the Wife's authority and execute all documents legally required to convey the assets so that she could liquidate the assets before they were lost to foreclosure. On December 12, 2019, this Court entered an *Order on Wife's Motion Regarding Distribution of Wine, Aircraft Documents and Partial Payment*; on April 22, 2020 the Court entered an *Order on Wife's Urgent Motion to Comply with the Signing "Action Plan" Documents pursuant to Order on Wife's Motion for Contempt Filed 11/27/19*; on June 1, 2020 this Court entered its *Order Granting Wife's Urgent Motion to Salvage the Remaining Trust Assets to Protect the Minor Children's Best Interests*; and on November 30, 2020 this Court entered its *Order on Wife's Urgent Motion to Compel Husband with Signing Former Marital Residence Documents*.

25. On August 10, 2020, this Court granted the minor children's Attorney ad Litem's Motion for Instructions and for Accounting. This Order required the Husband to provide an accounting of the Children's Trust, of which the minor children are the beneficiaries.

26. On November 18, 2021, this Court again found the Husband in contempt for failing

to provide financial documents as was previously ordered by the Court. The November 18, 2021 Order required the Husband to provide an accounting for the Children's Trust from January 1, 2017 through November 8, 2019, and required the Wife to provide an accounting from November 8, 2019, forward. The Attorney ad Litem testified that the Wife provided a full accounting in compliance with the Court's Order, and that the Husband failed to provide any kind of accounting detailing how he spent the children's funds and intentionally caused a financial crisis surrounding the assets owed by the parties and Family Hybrid Assets.

27. On February 23, 2022, this Court entered its *Order on Wife's Ex-Parte Motion to Compel Husband to Comply with Wife's Demand for Updated Financial Affidavit and Mandatory Disclosure*. As had been the Husband's behavior throughout the entire pendency of this case, the Husband again refused to comply with this February 23, 2022 Order, and failed to produce any documentation about his current income, thus making it impossible for this Court to determine the Husband's present income.

28. The Husband testified that the Wife caused the parties to lose a property owned by [REDACTED] in January of 2020, which is 90% owned by the Children's Trust and the remaining 10% owned by the parties. The substantial, competent evidence presented to the Court completely contradicts the Husband's testimony. Substantial, competent evidence was admitted by the Court which showed that the Wife attempted to save this property from a tax auction, but the Husband refused to release funds held by the November 8, 2019 Court Order that could have paid the outstanding taxes on the property and saved it from being lost at tax deed sale. This is just one of many examples where the Husband has attempted to cast the Wife as a villain to distract this Court from his deliberate and ongoing campaign to financially destroy the Wife and the parties' minor children. This Court placed the Wife in control of the Marital Assets and Family

Hybrid Assets so she could salvage as much value as possible. The Husband has done nothing but to place obstacles in her path to thwart her efforts.

29. Substantial, competent evidence was presented that the Husband removed \$190,000 from the parties' minor children's 529 Plans during the pendency of this case. These funds are meant to be used for the education of the minor children. The Husband did not provide any accounting or explanation as to how he used these funds. As a result of his unilateral actions, the Husband shall reimburse \$190,000 from his share of equitable distribution ordered by this Court, if available, to the children's 529 plans, and the ownership of said plans shall be transferred to the Wife within ten (10) days of this final judgment.

30. The substantial, competent evidence demonstrated that the Children's Trust had to pay \$121,864 in educational expenses for the minor children during the pendency of this case, which the Husband was previously court-ordered to pay for the children. As a result, the Husband shall reimburse \$121,864 from his share of equitable distribution ordered by this Court, if available, to the Children's Trust.

31. The substantial, competent evidence further demonstrated that the Husband was in arrears \$55,740 in his court-ordered temporary child support obligations as of the final hearing, which were due and owing to the Wife for the care of the minor children. The Husband shall reimburse \$55,740 from his share of equitable distribution ordered by this Court, if available, directly to the Wife.

32. The substantial, competent evidence further demonstrated that the Husband was in arrears \$201,600.00 in his court-ordered temporary alimony obligations as of the final hearing, which were due and owing to the Wife. The Husband shall reimburse \$201,600.00 from his share of equitable distribution ordered by this Court, if available, directly to the Wife.

33. On November 8, 2019, the Husband was ordered to pay the Wife's temporary Accounting and Attorneys' fees in the amount of \$185,885.93. The Husband only paid \$161,620.30 towards this obligation leaving a balance of \$24,265.63. The Wife shall receive this as a credit for these outstanding temporary accounting & attorney's fees from the Husband's share of equitable distribution ordered by the Court.

34. As for the [REDACTED], and in accordance with the November 8, 2019 Order, the Wife had taken control over this Family Hybrid Asset as well. However, the Wife had extreme difficulty and many challenges collecting all receivables on behalf of [REDACTED] and other entities she had control over. [REDACTED] was used as a disregarded entity for [REDACTED] [REDACTED], one of the entities the Wife was given authority pursuant to the November 8, 2019 order. The Wife testified that she discovered that the Husband had created a new entity with a very similar name [REDACTED] so that he could divert funds and mislead payors into sending accounts receivable to the new entity that was created. The Wife testified the Husband had converted and diverted all accounts receivables from [REDACTED] [REDACTED] and other entities including the [REDACTED] [REDACTED] and all previously described entities in bankruptcy to a new and very similar entity named [REDACTED]. The Wife testified she was able to maintain the businesses through the receivables she could collect, even though the Husband continued and attempted to divert these funds from the Family Hybrid Assets of [REDACTED] [REDACTED] and other entities. In addition, Sonja Reposa testified that the husband opened a Chase bank account for the [REDACTED] right after the November 8, 2019 order. This entity was under the control to the Wife. The Husband diverted [REDACTED]

[REDACTED] funds to this newly created account once more placing obstacles to the Wife while trying to salvage the assets. The Court finds based on the testimony and evidence presented that the Husband intentionally converted and diverted Family Hybrid Assets from [REDACTED] to [REDACTED]

35. The Husband attempted to argue the Wife had “stolen” \$1.2 million dollars. The “evidence” provided by the Husband were the transfers made pursuant to this Court’s orders as part of his child support and alimony obligations or as a refund to the Wife for liquidating her pension plan in addition to others here below described. The Wife testified that during the dependency of this divorce Wife had access to the parties’ bank accounts until late of 2018 when Husband voluntarily moved out of the marital home in Palm Beach. During that time Wife made deposits into her personal bank account, from marital business, as routine pre-petition, to be able to maintain the two Palm Beach homes and other real estate the parties owned since Husband had stopped doing so. When Husband closed the parties’ bank accounts in late 2018 Wife had to liquidate her estate jewelry, designer clothing, shoes and purses to be able to maintain the properties and support herself and her two children and deposited proceeds into her personal account. When Wife received funds from the Court she would then deposit those funds into various business accounts so that she could maintain the assets. As receivables were collected Wife reimbursed herself of those early deposits. No comprehensive tracing was provided by [REDACTED] to determine how the Wife spent any dollar that was deposited into her personal account or to support the claim that she had stolen funds from the marital assets. This Court finds the Wife has acted admirably under the circumstances, had done the best she could to salvage the financial disaster caused by the Husband, and has been transparent by providing accountings in accordance

with this Court's order. The Court rejects the Husband's contention that there is anything nefarious in these transactions.

36. The Husband argued that the Wife was attempting to divert funds from his post filing employment by negotiating payments from his post petition entity [REDACTED]. The Husband conceded on cross examination that he made application for registration of [REDACTED] which was also another disregarded entity for [REDACTED], a company the Wife had been awarded control over, but the Husband diverted many of these accounts receivable to his similarly named new entity. The Wife testified that any accounts receivable generated after the November 8th, 2019 Order, the Husband had ownership and any accounts receivables prior the order the Wife had control over.

ATTORNEY AD LITEM

37. This Court appointed [REDACTED] as Attorney ad Litem for the Beneficiaries (i.e. the minor children) of the Children's Trust.

38. Mr. [REDACTED] filed his final report on February 25, 2022. In his report, Mr. [REDACTED] confirms the Wife provided the court-ordered, full accounting for the time period she was in charge of managing the minor children's Trust, and confirmed that the Husband never provided a complete accounting as ordered by the Court.

39. In his report, Mr. [REDACTED] reported that the Wife “has done an admirable job of liquidating the properties, eliminating debts owed and creating liquidity for the Trust.”

40. Mr. [REDACTED] recommended that the Husband repay the Children's Trust for the educational expenses the Husband was court-ordered to pay, but were ultimately paid out of the Children's Trust due to the Husband's refusal to comply with this Court's order, via the assets the

Husband receives from this divorce.

41. Mr. [REDACTED] further recommended that the Wife remain the sole Trustee and continue to administer the Children's Trust for the benefit of the parties' minor children. Mr. [REDACTED] testified that once you are removed as a trustee, you cannot be reappointed.

[REDACTED] ("El Dorado Property")

42. It was uncontroverted the Husband diverted \$321,249.00 (31%) in marital assets, \$517,930.00 (51%) in funds from the Children's Trust and \$185,821.00 (18%) in the Husband's post filing non-marital earnings, to acquire the real property located at [REDACTED], [REDACTED] (hereinafter "El Dorado Property") a luxury home in the affluent country club community of Boca Pointe, legally described as:

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Parcel Identification Number: [REDACTED]

43. The Husband lives in the El Dorado Property and acquired it in May of 2019 to be his primary residence. Several months before the acquisition, he stopped paying the mortgages, business loans, taxes, and insurance on the parties' marital assets and the Family's Hybrid Assets.

44. Initially, the El Dorado Property was acquired in the name of [REDACTED], a Delaware limited liability company formed by the Husband in an attempt to mask his ownership of the El Dorado Property. Delaware law does not make public the identity of LLC managers and equity owners. However, an ALTA document that was required to be executed as part of the closing documents for the purchase of the El Dorado Property, clearly indicated the Husband owned 70%, and [REDACTED] (his then girlfriend) owned 30%, of the equity membership interests

in [REDACTED]. [REDACTED] testified that she lived with the Husband in the El Dorado Property, and gave birth to the Husband's daughter during the pendency of the divorce.

45. The Husband diverted the resources that he was Court ordered to maintain for the status quo for the Wife, and acquired a deluxe residence for himself which was paid for with \$1,136,953 of the parties' marital assets and assets from Children's Trust and post-filing earnings of the Husband. The Husband could have used, and should have used, these resources to comply with this Court's Orders and maintain the party's marital estate and Family's Hybrid Assets so they could have sold for market value instead of at distressed prices due to pending bank foreclosures.

46. The Husband testified that he rented the El Dorado Property from [REDACTED], and that he had no signatory authority on behalf of [REDACTED]. The Husband did not produce a lease to evidence this purported rental arrangement and he continued to sign numerous legal documents as the manager of [REDACTED].

47. On August 28, 2020, [REDACTED] deeded the El Dorado Property to [REDACTED]. This caused the Wife to have to amend her pleadings in this case, include a claim for fraudulent transfer, and add [REDACTED] as a Third-Party Defendant. Again, this deed for transfer of the El Dorado Property was signed by the Husband as Manager of [REDACTED], despite his testimony he was not an authorized signatory for anything regarding this entity. On October 21, 2020, after being sued as a Third-Party Defendant, [REDACTED] then deeded the property back to [REDACTED].

48. On November 20, 2020, the Husband executed the [REDACTED] Amended and Restated Limited Liability Company Agreement. This amended operating agreement now provided that equity interests in [REDACTED] were owned by [REDACTED].

V (25%), (22%) and the M (53%). This agreement was signed by the Husband as Manager of . This caused the Wife to now add all the new members of as Third Party Defendants in this action, and thus amend her pleadings yet again.

49. On December 2, 2020, deeded the El Dorado Property to the , the trustee of which is the Husband's current girlfriend. Yet again, the Wife was forced to amend her pleadings and seek a fraudulent transfer count, and to add the and its beneficiaries, as Third-Party Defendants. Again, this deed transferring the El Dorado Property was signed by the Husband as Manager of ,

50. It was uncontroverted that all the funds used to acquire the El Dorado Property came from the Husband; with 82% of such funds obtained by Husband improperly diverting funds from the Family's Hybrid Assets. No third party offered any evidence whatsoever to the contrary. None of the Third-Party Defendants put forth any evidence that they had any legitimate interest in the El Dorado Property or that they contributed a penny towards the cost of acquiring their LLC or trust interests in or the Trust, as the case may be, or maintaining the El Dorado Property. Husband attempted to hide his ownership and control of the El Dorado Property by engaging in a series of fraudulent transfers to benefit his family members and romantic partners.

ATTORNEY AD LITEM'S MOTION TO IMPOSE A CONSTRUCTIVE TRUST OR RETURN OF ASSETS

52. The Children's Trust owns 100% of an entity known as [REDACTED].

54. On December 19, 2012, the Wife and Husband formed [REDACTED], a Delaware limited liability company, which company is 80% owned by [REDACTED] (thus 80% owned by the Trust) and 20% owned by the [REDACTED] Revocable Trust u/a/d [REDACTED]).

56. The Husband was the manager of [REDACTED] until his resignation.

[REDACTED] (thus 90% owned by the Trust) and 10% owned by the [REDACTED]
[REDACTED] Trust u/a/d [REDACTED]

58. The Husband, as the Manager of [REDACTED], and as a Co-Trustee and a manager of the companies, held a confidential relationship with the minor beneficiaries of the Trust since the Husband was entrusted with assets that belonged to the Trust, which assets ultimately belonged to the minor beneficiaries.

59. The Wife's forensic accountant expert, Sonja Reposa's, tracing revealed that while the Husband was a Co-Trustee of the Trust and Manager of [REDACTED], between January 1, 2018 and January 31, 2020, \$135,000 moved from [REDACTED] to [REDACTED], a Delaware limited liability.

60. Additionally, while the Husband was serving as Co-Trustee of the Trust and manager of [REDACTED] between January 1, 2018 and January 31, 2020, \$200,000 moved from [REDACTED] to [REDACTED] a Delaware Limited Liability Company, which company is owned 50% by the Husband, and not owned by the Trust.

61. Furthermore, while the Husband was a Co-Trustee of the Trust and Manager of [REDACTED], between January 1, 2018 and January 31, 2020, \$485,400 moved from [REDACTED] to [REDACTED], a Delaware limited liability company, an entity apparently not owned by the Trust.

62. The transfers of \$820,400 from [REDACTED] unjustly enriched the Husband, companies owned by the Husband, and [REDACTED], [REDACTED] to the detriment of the Trust and its beneficiaries.

63. Additionally, while the Husband was a Co-Trustee of the Trust and Manager of [REDACTED], he transferred \$28,210.00 from [REDACTED] to [REDACTED], and \$30,000 from [REDACTED] to [REDACTED], totaling \$58,210.00.

64. The Husband's additional transfers of \$58,210.00 from [REDACTED] [REDACTED] unjustly enriched the Husband, companies owned by the Husband, and [REDACTED].

65. The Husband, through his company, [REDACTED], purchased the El Dorado Property, for a total purchase price of \$1,136,953. The Wife's forensic accountant provided a full tracing of the acquisition that was unrebutted by any party (See Wife's Exhibit 1).

66. From [REDACTED] the Husband wrote two checks in the amount of \$57,000 each, and made a wire transfer of \$222,953, as and for a total deposit of \$336,953 to purchase the El Dorado Property.

67. Of the \$336,953 from [REDACTED] used to purchase the El Dorado Property \$135,000 was improperly taken by the Husband from [REDACTED]

68. Additionally, after the Husband improperly transferred \$250,000.00 from his marital IRA of [REDACTED], \$200,000 from [REDACTED] to [REDACTED], and \$30,000 from [REDACTED] to [REDACTED], he then transferred \$400,000 into an [REDACTED] Trust account bearing the name of the Husband.

69. The Husband's [REDACTED] Trust account, where the Husband has aggregated funds which he had improperly transferred from marital assets of Family Hybrid Assets, was subsequently used to pay the \$800,000 remaining purchase price of the El Dorado Property.

70. Of the \$800,000 from the Husband's Alliance Trust account used to purchase his the El Dorado Property (his new residence), at least \$210,000 was improperly taken from [REDACTED] [REDACTED] and [REDACTED], Family's Hybrid Assets.

71. The Husband was unjustly enriched when he unilaterally diverted the minor Children's Trust assets for his own personal use, and intentionally failed to continue to maintain the Family's Hybrid Assets and remaining marital assets.

72. The Husband shall be required to return and reimburse the funds improperly removed from the Children's Trust, based on the Trust's share (80%) of the \$345,000 from [REDACTED] [REDACTED] used by the Husband to purchase the El Dorado Property.

73. [REDACTED] was unjustly enriched when \$513,610 was transferred to it from [REDACTED] LC and [REDACTED].

74. The Husband shall be required to return and reimburse the funds improperly transferred to [REDACTED] and thus removed from the Children's Trust in the amount of \$513,610.

FRAUDULENT TRANSFER

75. As stated above, all of the proceeds used by the Husband to acquire the El Dorado Property have been traced to the Children's Trust, marital assets of the parties, or the Husband's post-filing earnings. See Wife's Exhibit #1. Other than Third-Party Defendant, [REDACTED], who attended and observed the trial, no other Third-Party Defendant linked to the El Dorado Property participated in the trial, offered any evidence, nor any argument as to why these transfers were not fraudulent.

76. This Court finds the Husband caused [REDACTED] to transfer the El Dorado Property to [REDACTED] Trust Company, and then subsequently to the [REDACTED] with

the actual intent to hinder, delay or defraud the Wife and/or other creditors and to hide that he diverted funds from the Children's Trust and marital assets to purchase the El Dorado Property.

77. The Husband's actual intent to hinder, delay, or defraud the Wife is evidenced by the following badges of fraud, which include, but are not limited to:

- a. There is no consideration for the transfer of the Property from [REDACTED], [REDACTED] to [REDACTED];
- b. The Husband retained *de facto* control of the Property;
- c. Both Husband and [REDACTED] have been sued and/or threatened with suit before the transfer of the Property to [REDACTED];
- d. Husband concealed the transfer from Wife and other creditors of Husband;
- e. Both Husband and [REDACTED] were insolvent at the time of the transfer or became insolvent shortly thereafter;
- f. There is no consideration for the transfer of the Property from [REDACTED], [REDACTED] to [REDACTED];
- g. Husband retained *de facto* control of the Property;
- h. Both Husband and [REDACTED] have been sued and/or threatened with suit before the transfer of the Property to [REDACTED];
- i. Husband hid the transfer from Wife and other creditors of Husband;

Both Husband and [REDACTED] were insolvent at the time of the transfer or became insolvent shortly thereafter.

78. The transfer of the El Dorado Property from [REDACTED] to [REDACTED] is therefore fraudulent and avoidable pursuant to Fla. Stat. § 726.105(1)(a).

79. The Wife concedes and the Court finds the parties' marital estate has a 31% interest, the Children's Trust has a 51% interest, and the Husband has an 18% non-marital interest in the El Dorado Property. Within ten days of this Judgment, [REDACTED] and [REDACTED] shall execute a deed transferring their interests in the El Dorado Property to the Wife or her designated entity, incident to this Judgment, so she can liquidate the El Dorado Property and the proceeds shall be allocated in accordance with the Equitable Distribution and Financial Recap Schedule attached hereto this Final Judgment as Exhibit 'A'. As and for the expenses the Wife needs to pay to maintain the El Dorado Property, same shall be reimbursed to the Wife before the net proceeds of the sale are divided in accordance this Judgment.

EQUITABLE DISTRIBUTION

80. In accordance with the testimony of the Attorney Ad Litem, and the substantial, competent evidence presented to this Court, the Wife has done a remarkable job salvaging marital assets and the Family's Hybrid Assets despite the Husband's attempt to, in his words, "sink the ship."

81. The Husband shall execute, within 48 hours of presentation by Wife or her counsel, whatever documents are necessary to complete the sales of the remaining real estate in the Family's Hybrid Assets, including, but not limited to, deeds, resignations as manager, and officer and/or trustee. The Wife is authorized to liquidate the El Dorado Property, and the net proceeds shall be deposited into the Trust account of Attorney [REDACTED]. It is impossible to determine the value of this asset due to liens and the distressed economic situation caused by the Husband. To protect the Wife's and children's interest, no funds shall be distributed to the Husband until his lump sum alimony payment has been made to the Wife, and the Court has determined the Wife's Motion for Attorneys' Fees. The remaining proceeds shall be distributed pursuant to this Judgment

and the Equitable Distribution and Financial Recap Schedule attached as **Exhibit ‘A.’**

82. To effectuate the remaining Equitable Distribution in Exhibit 'A', each party shall (a) provide to the other party, within forty-eight (48) upon request, any necessary information or to execute and/or deliver any instrument or document necessary to transfer title or interest in property, power of attorney or any document required by a Foreign Country; and (b) timely perform such other acts that are reasonably necessary or that may be reasonably requested by the other party to effectuate the provisions of this Final Judgment, but in any event, shall be no later than seven (7) days upon request.

83. As for the [REDACTED] and its Florida medical license, the Wife and [REDACTED] presented sufficient evidence to show this is a Family Hybrid Asset with [REDACTED] having 90% ownership interest [REDACTED] being 100% owned by the Children's Trust) and a 10% ownership interest held by from the [REDACTED] [REDACTED] Trust. This Trust *herein referred to as* "TBE Trust" (100% marital interest). The [REDACTED] [REDACTED] entity was created in January of 2017, prior to Wife's filing her Petition for Dissolution of Marriage. The Wife and [REDACTED] testified and presented evidence that [REDACTED] first obtained a \$1,700,000.00 construction loan in 2016 under [REDACTED], a Family Hybrid Asset, owned by [REDACTED] [REDACTED] and the TBE Trust to renovate and purchase new equipment for the existing [REDACTED] building also purchased by the parties under

84. Although this renovation process for the existing [REDACTED] [REDACTED] should have taken no more than 6 to 8 months, both the Wife and [REDACTED] testified and presented evidence this renovation process by the husband ultimately took without

[REDACTED]
justification over 2 ½ years to be complete wasting Family Hybrid Asset on the maintenance and mortgage of the building. Throughout this process, the Husband excluded the Wife and acted as the medical director for [REDACTED]. The [REDACTED]
[REDACTED] opened again in April of 2019.

85. After the November 8, 2019 Order, the Husband was required to resign as a manager of [REDACTED], but not required to abandon the center or resign as the medical director. The Wife testified not only did the Husband fail to resign immediately as a manager in accordance with the November 8, 2019 Order, but instead, the Husband immediately and voluntarily resigned as the medical director and removed essential medical equipment from the center, which made it difficult for the Wife to maintain the medical licenses. The Wife immediately appointed a successor medical director. The Wife presented evidence and testified that [REDACTED] had hundreds of thousands of dollars of unpaid payables upon her taking control as of the November 8, 2019 Order finding this surgery center in immense debt. Under the Wife's management, with the appointment of a successor medical director and despite the challenges created by the Covid-19 pandemic, [REDACTED] obtained commercial health insurance contracts and Medicare certifications.

86. The Court notes if not for the diligent efforts of the Wife to maintain this [REDACTED]
[REDACTED] C Family Hybrid Asset, and which efforts ultimately gave value to [REDACTED], yet another Family Hybrid Asset would have been lost in debt. Instead, the Wife was able to convert this asset in distress to a significant amount of cash for the Children's' Trust and the marital estate through a sale to an ophthalmic surgeon.

87. Since the November 8th, 2019 Court Order when [REDACTED] was distributed to the Wife to “syndicate or sell”, at no point did the Husband claim the asset by including it in his appeal briefing or subsequently moving this Court to address this as a post-petition asset. Only at the time of trial, with Wife having sold the Family Hybrid Asset for a significant amount, the Husband without grounds claims and has requested for this Court to award him a credit from the proceeds from the sale of [REDACTED]

88. The Husband testified that had completed all renovations post-filing of this Action, which he admitted took without justification over 2 ½ years to complete. The Husband did not demonstrate or provide this Court any tracing or evidence as to how the funds he seeks from [REDACTED] as a credit for this Court to award him were used. Thus, the Court finds based on the evidence and testimony presented, [REDACTED] is another of the Family Hybrid Asset saved by the Wife and the Husband’s Affirmative Defenses, including his request for credits, as and for [REDACTED] are hereby DENIED.

89. The Court heard testimony of the parties’ three (3) memberships at the Breakers, Mar a Lago, and Trump National Golf Club Membership. The Court heard testimony wherein the Husband was terminated from both the Breakers and Trump International Golf Club Membership for non-payment, and only attended Mar a Lago two or three times during the pendency of this action. The Wife testified the membership is non-transferable and non-refundable and therefore has no value. The Husband failed to present any evidence to the contrary. The Wife testified both she and the children have continued to use the membership at Mar a Lago since 2018, and the children’s godparents have assisted the Wife with maintaining the annual dues at Mar a Lago to keep consistency for the children. Testimony was presented that the children have routinely used

the Mar a Lago sports facilities, including but not limited to, tennis, golf, and swimming. The Court finds the Wife shall retain and receive the Mar a Lago Membership.

HUSBAND'S AND WIFE'S REQUESTS FOR UNEQUAL DISTRIBUTION

90. The Husband has requested an inequitable distribution of the parties' assets. Based on the Husband's own fraudulent behavior, his misappropriating the parties' marital and Children's Trust assets, and his active concealment of assets and income, the Court finds no justification for the Husband receiving an inequitable distribution. Accordingly, the Husband's request for unequal distribution is DENIED.

91. The Wife has also made a request for an unequal distribution of the parties' assets. All the assets the Husband has depleted has been credited to the Husband in the equitable distribution scheme. Therefore, no further adjustments are required by this Court.

ALIMONY

92. Both parties requested alimony. In determining whether to award alimony, the Court is required to first make a specific factual determination as to whether a party has an actual need for alimony, and whether either party has the ability to pay spousal support pursuant to Fla. Stat. §61.08. The Court is required to consider all relevant factors pursuant to Fla. Stat. §61.08, including but not limited to:

a. The standard of living established during the marriage.

The parties lived an affluent style of marriage. Both parties testified to owning various homes on Palm Beach, Florida, along with having various club memberships on or around Palm Beach, Florida and would travel often out of the country for extravagant vacations. The Wife described that the Husband owned many expensive vehicles, exotic and expensive jewelry, had an exorbitant wine collection, and the parties' children were always enrolled in private school for

their education.

b. The duration of the marriage.

This parties were married on [REDACTED] 2001. This was a 15-year marriage, prior to the Petition for Dissolution of Marriage being filed on Mar [REDACTED] 2017.

c. The age and the physical and emotional condition of each party.

The Husband is [REDACTED] years of age and a successful neurosurgeon, and the Wife is [REDACTED] years of age. Both parties testified they are in good physical and mental health.

d. The financial resources of each party, including the nonmarital and the martial assets and liabilities distributed to each.

The Husband had full control over the parties' financial assets and has done everything in his power to deplete the monies the Wife and his children would be otherwise be entitled to. The Husband has a significant earning capacity. Other than the assets the Wife has salvaged, she has no other financial resources available to her.

e. The earning capacities, educational levels, vocational skills, and employability of the parties and, when applicable, the time necessary for either party to acquire sufficient education or training to enable such party to find appropriate employment.

The Husband had every opportunity to prove his current income, but refused to comply with this Court's rulings and rules of evidence. The only reliable evidence of the Husband's income is the unrebutted testimony of the Husband's 2017 gross income of \$1,350,441 presented at the parties' temporary relief hearing, and the fact the Husband earned \$48,833.67 per month after the hearing. The Husband's Forensic Accountant expert, [REDACTED], CPA, did not attempt to determine the Husband's current income because the Husband refused to give him his current income documents as well. [REDACTED] opined that the Husband's income was that which

was reflected in the Husband's 2020 tax return. However, [REDACTED] provided no forensic analysis to determine if what the Husband reported on his taxes were accurate. It was obvious on cross-examination that [REDACTED] did not make the appropriate adjustments for all the personal expenses paid for by the Husband.

The Husband is not credible, nor is the financial information he provided. Mr. [REDACTED] relying on the Husband's representation of income is not a reliable determination of the Husband's income. Florida case law has long recognized that self-employed spouses, in contrast to salaried employees, have the ability to control and regulate their income. Their testimony, tax returns, and business records accordingly may not reflect their true earnings, earning capability, or net worth. Ugarte v. Ugarte, 608 So.2d 838, 840 (Fla. 3d DCA 1992).

Thus, when the circumstances suggest that a self-employed spouse has not accurately reported his or her income, the Court may properly assign a higher income value than that claimed by the spouse. See Child v. Child, 34 So.3d 159, 161 (Fla. 3d DCA 2010). This is especially true when the spouse fails to comply with discovery orders and does not disclose all pertinent financial information. See Nadrich v. Nadrich, 936 So.2d 15, 18 (Fla. 4th DCA 2006) ("Under the circumstances and in light of the husband's failure to comply with many discovery orders to disclose his financial information, the Court had no choice but to impute some amount of income to the husband beyond what his pay stubs showed."). It was apparent from the record that the Husband was earning a significant income, and the Husband's claims to the contrary are "incredulous." Although the actual amount of income earned by the Husband could not be established at trial, this was because of Husband's wrongful conduct in failing to comply with Wife's discovery requests and the Court's ensuing orders. Under these circumstances, it would be error for the trial Court not to consider Husband's 2017 evidence of income when making its

alimony determination.

The Wife stipulated to having income of \$60,000 per year imputed to her. The Husband presented no evidence that would support a higher imputation.

- f. The contribution of each party to the marriage, including, but not limited to, services rendered in homemaking, child care, education, and career building of the other party.**

The Husband contributed to the marriage by initially providing a lavish lifestyle and helping to fund the minor Children's Trust. The Wife contributed to the marriage by supporting the Husband in his efforts and by being the primary caretaker of the parties' minor children.

- g. The responsibilities each party will have with regard to any minor children they have in common.**

See (f).

- h. The tax treatment and consequences to both parties of any alimony award, including the designation of all or a portion of the payment as nontaxable, nondeductible payment.**

None.

- i. All sources of income available to either party, including income available to either party through investments of any asset held by that party.**

The Wife testified that she receives income as the Trustee of the Children's Trust.

- j. Any other factor necessary to do equity and justice between the parties.**

It is apparent that the Wife's efforts to salvage marital property and recouping the children's trust monies from the Husband's deliberate attempts of financial devastation demonstrates her ability to manage these assets and the fact that she is doing it in a way to preserve the children's assets, as opposed to the Husband who has done everything in his power to deplete the marital estate and his minor Children's Trust assets. The Husband has also shown an extensive

history of disregarding orders of this Court as to the payment of support to the Wife and the minor children. Accordingly, the restrictions to releasing any escrowed funds and an award of lump sum monies is necessary to protect the Wife's award of alimony made.

93. After consideration of the testimony and evidence presented in this case, the Court finds that under the circumstances, the Wife does have a need for durational alimony, and the Husband does have an ability to pay durational alimony, even after consideration of the parties' economic status in accordance with the Equitable Distribution schedule. However, based upon the Husband's continued and clear refusal to comply with prior Court orders of his alimony and child support obligations, combined with his continued, intentional and unauthorized depletion of the parties' marital assets and Family's Hybrid Assets to thwart his Court-ordered obligations, which placed the parties' entire marital estate and Family's Hybrid Assets into financial chaos throughout the pendency of these proceedings, the Court finds justification to award the Wife sixty-one (61) months of durational alimony, at the rate \$8,710.00 per month, non-taxable to the Wife, non-deductible to the Husband.

94. Based on the Husband's lengthy history of failure to pay temporary support as ordered by this Court, the Court finds that lump-sum alimony, incident to support, not property distribution, in the amount of \$531,310 from any amounts of equitable distribution the Husband is to receive, is appropriate for the Wife. Bongiorno v. Yule, 920 So.2d 1209 (Fla. 1st DCA 2006). The Court finds lump-sum alimony to be appropriate because it provides the Wife with a vested security against the Husband's pattern of his intentional economic demise shown throughout this case. If the Husband's share of proceeds is not enough to satisfy the lump sum payment, the outstanding difference shall be divided by Sixty-One (61) months, and paid in equal amounts to the Wife, beginning May 1, 2022, and continuing on the 1st day of each month thereafter, for sixty

(60) consecutive months, as the Wife's remaining durational alimony payments.

CHILD SUPPORT

95. Based upon the parties' respective incomes and imputed income as found in this judgment, and based upon the reunification parenting plan, commencing on May 1, 2022, and continuing on the 1st day of each month thereafter, the Husband shall pay \$2,924 per month directly to the Wife. When one (1) child remains, the child support obligation in Phase 4, due from Husband to Wife shall be \$1,867 per month. The Child Support Guidelines Worksheets are attached as **Composite Exhibit 'C.'**

96. The Wife shall have the dependency exemption for both minor children every year, and shall claim Head of Household, as Wife has majority timesharing with the minor children. The Husband shall continue his obligations of child support in such manner until modified by further Court Order, or until the date of the earliest occurrence of one of the following events: (i). the death of a child; (ii). the death of the Husband; (iii). attainment of a child's eighteenth (18) birthday, or in the event that child is still enrolled as a full-time high school student upon attainment of the child's eighteenth (18) birthday with a reasonable expectation of graduation before age 19, then upon graduation from high school (Fla. Stat. 61.13(1)(a); Fla. Stat. 743.07(2)); (iv). the marriage of a child; (v). entry of a child into the military service of the United States for a continuous period of time of one (1) year or more; (vi). a child becoming completely self-supporting; or (vii). by Court Order.

97. The Wife shall continue to maintain medical health insurance for the minor children and the parties shall be responsible for any and all reasonable, non-covered medical expenses in the percentages established by the child support guidelines attached hereto. In the event either party has to advance any funds for the payment of health-related expenses for the minor children,

that party shall provide the other party with a statement or other proof of payment within thirty (30) days of incurring said expenses. The other party shall then have thirty (30) days thereafter to reimburse the paying party for his or her share of any such expense.

BEST INTERESTS OF THE CHILDREN AND FLA. STAT. 61.13

98. The Husband plead for and requested shared parental responsibility for all major decisions and the Wife plead for and requested ultimate decision-making authority for all major decisions regarding the parties' minor children, as well as a reunification parenting plan.

99. There is no requirement for the trial Court to make statutory findings on each custody factor. Adair v. Adair, 720 So.2d 316 (Fla. 4th DCA 1998). The parties do not agree that equal timesharing is in the minor children's best interest, and Wife has requested a reunification parenting plan with the children and Husband, due to the Husband's voluntary lack of interest in the children's lives. The Court has evaluated all the factors concerning parental responsibility, time-sharing, and the best interests of the child, as per Fla. Stat. §61.13(3), and finds the parenting plan attached as **Exhibit 'B'** to be in the children's best interest.

100. Both parties testified the Husband has spent very limited time with the minor children in the last two (2) years. The Wife testified she is concerned not only because the Husband has not voluntarily spent any overnights and quality time with the children in general, but the Husband's complete disregard for the minor child's, [REDACTED], [REDACTED]. The Wife testified and put into evidence [Wife's Exhibit #3] a plethora of Talking Parents messages between the parties, wherein the Wife has requested many times for the Husband to have timesharing with the children, but the Husband would not take the children. [REDACTED]

[REDACTED], and even though she attempted on communicate with the Husband on multiple different occasions regarding the child's needs, the

Husband either did not respond, or was disengaged from the children. The Wife testified she has been the primary caretaker for the children throughout the pendency of this case, but want the Husband to be involved in the children's life so long as there is a reunification process.

The Court finds the "Reunification Parenting Plan" attached hereto as Exhibit 'B' to be in the children's best interest.

ATTORNEYS' FEES AND COSTS

101. Based on the above findings, it is clear the Husband has litigated this matter in bad faith. He attempted to bring financial devastation not only to his Wife, but his two minor children as well. Not only did the Husband divert his Children's Trust monies to pay for a million dollar house, but ever since this Court entered its First Order on Partial Equitable Distribution, the Husband has acted in a manner that entitles the Wife to an award of attorney's fees and costs. Hallac v. Hallac, 88 So. 3d 253 (Fla. 4th DCA 2012). The Court specifically finds the Husband's behavior of stealing from his children, refusing to cooperate and comply with this Court's order, his total inability to pay Court-ordered alimony or child support on a voluntary basis, and his total disregard of refusal to comply with Court orders requiring him to produce documentation concerning his income, all rise to the extraordinary level of vexatious litigation to support this type of fee award. The Husband made a request for fees but provided no credible evidence or argument that would support such an award.

The Wife has demonstrated an entitlement to attorneys' fees from November 8, 2019 through the conclusion of the case.

PENDING MOTIONS BEFORE THIS COURT

102. Wife's Fourth Motion for Contempt filed August 13, 2021 [D.E. 837]

The Wife's Fourth Motion for Contempt filed August 13, 2021, is hereby GRANTED. As

discussed above, the Wife will receive a credit for unpaid child support, alimony and attorney's fees. The Husband is adjudicated to be in indirect civil contempt for his intentional and willful violations of this Court's orders.

103. Attorney Ad Litem's Motion to Impose Constructive Trust or Return of Assets filed December 17, 2021 [D.E. 941]

As addressed above, the motion is hereby **GRANTED**.

104. Husband's Motion for Modification of Temporary Alimony and Additional Modification of Child Support filed August 19, 2021 [D.E. 848]

See the discussion in the Alimony section regarding the Husband's current income. Based on those findings, the Husband's Motion is **DENIED**.

105. Wife's Motion for Order to Show Cause Why Third-Party Defendant [REDACTED] Should Not be Held in Contempt for her Failure to Attend Deposition filed on March 8, 2022 [D.E. 1026]

This Motion was resolved by this Court during trial. Therefore, this pending Motion to be heard by this Court is **MOOT**.

106. Wife's Motion for Order to Show Cause Why Husband Should Not be Held in Contempt for his Failure to Comply with Discovery Order Entered on February 23, 2022 filed on March 8, 2022

Said Motion has not been resolved, however this Court has taken into consideration the Husband's continued refusal to comply with its orders, including discovery orders, in determining the Husband's income. Therefore, this pending Motion to be heard by this Court is **MOOT**.

107. Non-Party, [REDACTED]'s Motion for Protective Order to Quash

Petitioner's Subpoena Duces Tecum for Testimony at Trial filed on March 1, 2022 [D.E. 1018]

This Motion was resolved between Non-Party and Wife's counsel prior to the beginning of trial. Therefore, this pending Motion to be heard by this Court is **MOOT**.

108. Husband's Motion for Contempt Against Eddie Stephens, Esq. and Motion for Disgorgement of Attorney's Fees paid to Ward Damon, PL filed on March 18, 2021 [D.E. 780].

No evidence or argument was presented during the trial on this issue by the Husband. Accordingly, the Court finds the Husband abandoned this motion, and it is therefore **DENIED**.

BASED ON THE FOREGOING, it is hereby **ORDERED AND ADJUDGED** as follows:

- A. The bonds of marriage between the Petitioner/Wife, [REDACTED], and the Respondent/Husband, [REDACTED], are hereby dissolved because the marriage is irretrievably broken.
- B. Each of the parties is returned to the status of being single and unmarried.
- C. The parties shall divide their marital assets and liabilities, including Wife's request for unequal distribution, pursuant to this Judgment and the Equitable Distribution and Financial Recap Schedule attached as **Exhibit 'A.'** The Husband's share shall be held in Trust until after the Wife's request for Attorneys' Fees, Suit Money and Costs is determined.
- D. The Husband's request for unequal distribution is hereby **DENIED**.
- E. The Court finds the reunification parenting plan, attached as **Exhibit 'B,'** is in the best interests of the minor children, and is approved and incorporated into this Judgment by reference, but is not merged into this Final Judgment. The parties are ordered to abide by the terms of the agreement thereof.
- F. The Husband shall pay child support, commencing May 1, 2022, in accordance with the

terms of this Judgment and the child support calculations are attached as **Composite Exhibit 'C.'**

G. The Attorney Ad Litem's and Wife's request for Constructive Trust is **GRANTED**, consistent with this Judgment.

H. The Wife's Request to nullify the deed pertaining to the El Dorado Property is **GRANTED**, consistent with this judgment. The property located at [REDACTED]
[REDACTED], legally described as:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Parcel Identification Number: [REDACTED] 0

Shall be deeded to the Wife, or her designated entity, within ten (10) days as part of this Judgment so the Wife may liquidate the property consistent with the schedule attached as Exhibit 'A'. The Husband and any other occupants residing in the El Dorado Property are ordered to vacate the premises within thirty (30) days of this final judgment. Any expenses the Wife has to incur (including attorney's fees and costs) to maintain the property, repair it, remove the residents, and sell it shall be reimbursed to the Wife from the gross proceeds of the sale, before net proceeds are determined and distributed.

I. The Wife's claim for alimony is **GRANTED**, consistent with this judgment.

J. The Husband's claim for alimony is **DENIED**.

K. The Wife's request to continue as the sole Trustee of the Children's Trust is hereby

GRANTED. The Wife is authorized to appoint a co-trustee and successor trustee of the Children's Trust in accordance with the Trust provisions.

L. The Husband's request for reinstatement as co-trustee of the Children's Trust is hereby **DENIED.**

M. The Wife's claim for attorney fees, suit money and costs are **GRANTED.** The Husband shall be responsible for the Wife's reasonable Attorney's fees and costs and Accountant Fees and costs, from November 8, 2019 through the conclusion of this case based on the inequitable conduct doctrine. The Court reserves jurisdiction to determine the amount of these fees and costs, if the parties are unable to reach an agreement.

N. The Husband's claim for attorney's fees is **DENIED.**

O. All other relief requested by the parties in the pleadings tried before this Court not expressly granted herein are **DENIED.**

P. Each party shall (a) provide to the other party, within forty-eight (48) upon request, any necessary information or to execute and/or deliver any instrument or document necessary to transfer title or interest in property consistent with this Final Judgment; and (b) timely perform such other acts that are reasonably necessary or that may be reasonably requested by the other party to effectuate the provisions of this Final Judgment, but in any event, shall be no later than seven (7) days upon request.

Q. The Court expressly retains jurisdiction of this cause for the purposes of enforcing, construing, interpreting, or modifying the terms of this Final Judgment, as well as to enter such other and further orders as may be deemed equitable and appropriate.

R. The Court retains jurisdiction to adjudicate and enforce any charging liens filed in

this matter.

DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida.

502017DR002716XXXMB 11/22/2022

Laura Johnson Circuit Judge

502017DR002716XXXMB 11/22/2022
Laura Johnson
Circuit Judge

Copies furnished to:

Eddie Stephens, Esq., *Counsel for Wife*, Stephens & Stevens, PLLC, 400 Columbia Drive, Suite 111, West Palm Beach, FL 33409 eservice@ss-familylaw.com

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]