

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA

IN RE: THE MARRIAGE OF:

Petitioner,

and

CASE NO. [REDACTED]
Division: Domestic Relations

Respondent.

PRE-TRIAL STIPULATION

NOW COME the parties, [REDACTED] ("Husband"), by and through [REDACTED]
[REDACTED] and the law firm of [REDACTED]; and [REDACTED]
("Wife"), by and through [REDACTED] and the law firm of [REDACTED]
and for this, their *Pre-Trial Stipulation* ("Stipulation"), hereby state:

WHEREAS, the Court entered its *Order Resetting Non-Jury Trial* on April 24, 2024;

WHEREAS, the Court's *Order Resetting Non-Jury Trial* directed the parties to file a "pre-trial stipulation listing the facts and evidence that is agreed upon no later than 48 hours before the trial";

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Dissolution of Marriage

Stipulations

- a. Both parties resided in Florida for six months prior to the commencement of these proceedings.
- b. The marriage of the parties is irretrievably broken.

Outstanding Issues

- a. None.

2. Equitable Distribution

Stipulations

- a. All lines on the asset and liability spreadsheet attached hereto as Exhibit A, except for those lines which are highlighted yellow.
 - i. "X" indicates that an asset is being distributed (if the asset or liability is marital) or set aside (if the asset or liability is nonmarital) to the party indicated at \$0.00 value.
- b. Husband satisfied all property taxes, insurance, and homeowner's association dues on the marital home throughout the pendency of these proceedings.
- c. The marital deduction from the value of [REDACTED] is a minimum of (\$ [REDACTED]).
- d. The net marital value of [REDACTED] is a maximum of \$ [REDACTED].
- e. Wife must pay off the joint [REDACTED] credit card ending in [REDACTED] using her own share of the marital estate within 14 days of receiving any equalizer payment from Husband. Once paid off in full, Wife must refrain from incurring any additional charges on said card. Wife must then promptly close said card.
- f. With respect to the "German Widow Claim":
 - i. \$ [REDACTED] of Wife's share of the marital estate must be held in escrow by the law firm of [REDACTED] until the sooner of: (i) subsequent written agreement of the parties; (ii) court order; or (iii) July 1, 2027.
 - ii. \$ [REDACTED] of Husband's share of the marital estate must be held in escrow by the law firm of [REDACTED] until the sooner of: (i) subsequent written agreement of the parties; (ii) court order; or (iii) July 1, 2027.
 - iii. The intention of escrowing said funds is to cover any expenses, judgment, attorney's fees, costs, etc. incurred by Husband in defending against any action brought pursuant to the letter attached hereto as Exhibit B.

Outstanding Issues

- a. Wife retains the right to prove dissipation of Husband's [REDACTED] account ending in [REDACTED].
- b. The parties retain the right to dispute to whom the marital home should be distributed.
- c. The parties retains the right to argue for credits and set-offs for their post-filing

- contributions to the carrying costs of the marital home.
- d. The parties retains the right to argue for credits and set-offs for their post-filing contributions to other marital expenses.
- i. Husband retains the right to argue for an increase in the marital deduction from the value of [REDACTED] for the S. Corp. late filing penalty from 2019.
- di. The parties retain the right to argue for an unequal distribution of the marital estate.

3. Alimony

Stipulations

- a. Husband's gross income is \$ [REDACTED] per mo.
- b. Husband's federal taxes are (\$ [REDACTED]) per mo.
- c. Husband's net income is \$ [REDACTED] per mo.
- d. Wife's imputed gross income is \$ [REDACTED] per mo.
- e. Wife's imputed federal taxes are (\$ [REDACTED]) per mo.
- f. Wife's cost of individual health insurance is (\$ [REDACTED]) per mo.
- g. Wife has a need for durational alimony.
- h. Husband has an ability to pay Wife durational alimony.
- i. Wife is entitled to durational alimony for 236 mo.

Outstanding Issues

- a. The parties retain the right to argue the amount of alimony to be awarded.
- b. Wife retains the right to argue for retroactive alimony to date of filing.
- c. Husband retains the right to argue for a retroactive overpayment credit for alimony to date of filing.

4. Parenting Plan

Stipulations

- a. All parenting issues were previously resolved through the execution of a Parenting Plan dated [REDACTED].
- b. The parties consent to the court entering a final judgment adopting the Parenting Plan.

Outstanding Issues

- a. None.

5. Child Support

Stipulations

- a. The parties resided together with the minor child until the commencement of these proceedings ([REDACTED]).
- b. Wife moved out of the marital home with the minor child.
- c. The minor child did not spend any overnights with Husband until [REDACTED].
- d. From [REDACTED] to present, the minor child has lived virtually exclusively with Husband and has spent at most one overnight with Wife.
- e. Husband has paid for the minor child's private school throughout these proceedings.
- f. Child support should be calculated pursuant to Florida's child support guidelines, deviating only in one respect: Husband pays the minor child's private school tuition.
- g. Wife has provided health insurance for the minor child throughout these proceedings.
- h. Wife must provide health insurance for minor child.
 - i. The cost of the minor child's health insurance is \$ [REDACTED] /mo from [REDACTED] to present.
- i. Uncovered medical expenses incurred on behalf of the minor child must be apportioned according to the parties' percentage of financial responsibility pursuant to the Florida child support guideline calculations.
- j. Child support must extend until the later of: (i) the minor child turning 18 years of age; or (ii) the minor child turning 19 years of age if enrolled in highschool with a reasonable expectation of graduating.

Outstanding Issues

- a. The parties retain the right to argue for retroactive child support to date of filing.

6. Attorney's Fees and Costs

Stipulations

- a. Either party's entitlement to and amount of any attorney fee claim must be bifurcated for separate hearing.
- b. [REDACTED], Esq.'s hourly rate of \$ [REDACTED] is reasonable.

Outstanding Issues

- a. The parties retain the right to seek (and to dispute) either party's entitlement to attorneys fees and costs.
- b. The parties retain the right to dispute the reasonableness of the other party's

attorneys fees and costs, both as to the rate charged by any timekeeper other than [REDACTED], Esq., as to the number of hours charged, and as to the necessity of the service(s) charged.

[REDACTED]
[REDACTED]
One of Husband's Attorneys

[REDACTED]
[REDACTED]
One of Wife's Attorneys

[REDACTED]

[REDACTED]