

Filing # 150439326 E-Filed 05/27/2022 10:41:31 AM

**IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT,
IN AND FOR COLUMBIA COUNTY, FLORIDA**

**Case No.: 2021-284-DR
Division: FAMILY**

**IN RE THE MARRIAGE OF:
ALLEN WAYNE CARTER,
Husband,**

and

**PAMELA JEAN CARTER,
Wife**

FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE

THIS CAUSE came to be heard before the Court for Final Hearing on APRIL 13, 2022, upon the Petition for Dissolution of Marriage filed by Petitioner, PAMELA JEAN CARTER. After taking testimony and other evidence in open Court and reviewing the Court file, the Court **FINDS** as follows:

Jurisdiction

1. The Court has jurisdiction of the parties and the subject matter herein. The Petitioner has been a resident of the State of Florida for at least six (6) months prior to the filing of the Petition for Dissolution of Marriage.

Marital Statistics

2. PAMELA JEAN CARTER ("Petitioner" or "Wife" herein) and ALLEN WAYNE CARTER ("Respondent" or "Husband" herein) were married on or about AUGUST 24, 1977 and lived together as husband and wife until their final separation on or about JULY 17, 2020.

Grounds

3. Irreconcilable differences exist and have caused the irretrievable breakdown of the marriage, and all efforts and hope of reconciliation would be impracticable and not in the best interests of the parties.

Marital Property and Liabilities Subject to Equitable Distribution

4. The following represents the marital assets and liabilities subject to equitable distribution by the court:

See attached Exhibit "A"

Findings Relative to Alimony

5. The Court finds that Petitioner has an actual need for alimony or maintenance, and Respondent has the ability to pay the same.

6. The Court finds that Respondent shall pay nominal permanent periodic alimony to Petitioner.

7. As a marriage of long duration (17 years or greater) alimony is appropriate upon consideration of all relevant factors.

8. The Court finds that no other form of alimony except permanent periodic alimony is fair and reasonable under the circumstances of the parties.

9. The Court has considered all relevant factors set forth in Florida Statute 61.08, to include the following:

- a. *The standard of living established during the marriage.* Ms. Carter testified that the parties moved throughout the country for Mr. Carter's job and at one point they lived in Germany for two years. Ms. Carter was able to stay-at-home with her two sons and take care of the home. Their standard of living during the marriage should be considered normal, which the Court interprets as an average middle-class lifestyle.
- b. *The duration of the marriage.* The marriage lasted for over forty (40) years.
- c. *The age and the physical and emotional condition of each party.* Ms. Carter is 62 years old and Mr. Carter is 66.
- d. *The financial resources of each party, and the nonmarital and marital assets and liabilities distributed to each.* Other than the assets and liabilities discussed herein, the parties do not have substantial assets.
- 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 parties are each at retirement age.
- 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.* Ms. Carter's testimony, which went un rebutted, demonstrates that her contributions as a homemaker, stay-at-home mom, and wife allowed Mr. Carter to pursue his career and ultimately any career-building goals he had. Ms. Carter testified that since the beginning of the marriage she went wherever Mr. Carter found a job or where his job sent him. Additionally, when they had children she stayed home with the children and assisted in their education.

- g. *The tax treatment and consequences to both parties of any alimony award, including the designation of all or a portion of the payment as a nontaxable, nondeductible payment.*
- h. *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's income from social security is \$927.00 / month. The Husband's income totals \$5,916.42 / month from his pension and disability.
- i. *Retirement or pension benefits to be distributed in equitable distribution.*
- j. *Previous employment and work history.* Mr. Carter maintained good employment throughout the marriage and Mrs. Carter supported his career throughout the marriage, to the sacrifice of her own career opportunities.
- k. *Previous education, skills, or training.*
- l. *Present employability.*
- m. *Disparity of relative incomes following dissolution of marriage based on allocation of marital debt.*
- n. *Disability of the Husband.*

10. The Court finds that the award of alimony does not leave Respondent with significantly less net income than the net income of the Petitioner.

IT IS, therefore, **ORDERED** and **ADJUDGED** as follows:

Judgment of Dissolution of Marriage

A. The parties are awarded a judgment for dissolution of marriage, and the bonds of matrimony heretofore existing between PAMELA JEAN CARTER and ALLEN WAYNE CARTER are hereby dissolved.

Division of Marital Assets and Liabilities

B. It is **ORDERED** that the marital assets and liabilities of the parties are distributed as follows:

See attached Exhibit "A" and Exhibit "B".

C. Except for the items specifically conferred or otherwise expressly provided for by this Judgment and distributed as set forth in the attached exhibit "A" and Exhibit "B", each party shall have exclusive ownership of all items of personal property that are currently in his or her

possession, and the other party is divested of any and all claim or interest in such items.

D. There are no obligations or liabilities of the parties known to exist, except as reflected herein. Any obligation or liability that is not listed herein shall be the responsibility of the party that incurred the same, and the party that incurred the same shall indemnify the other party and the property of the other party harmless from liability therefor.

E. Neither party shall hereafter incur any obligation or liability for which the other party will be liable.

Equalizing Payment and Reimbursement for OPM Retirement Benefits

F. In order to achieve an equitable division of marital assets and liabilities between the parties, Petitioner shall make an equalizing payment of Twenty-seven Thousand Seven Hundred and Forty-two and 2.00/100 Dollars (\$27,742.02) to Respondent, incident to the dissolution of marriage. Such payment shall not be construed to constitute alimony.

G. During the parties' separation, the Wife filed a request with the Office of Personnel Management that she be designated the Husband's Payee Representative. Mr. Carter argues that Mrs. Carter should reimburse him for the total amount of funds she received from March through July 2021, which totals \$11,021.31. Mr. Carter's argument that Mrs. Carter was receiving the annuity payments based on fraud is not supported by the record. The Court did not receive sufficient evidence to demonstrate that Mrs. Carter acted fraudulently, wherefore the court DENIES Mr. Carter's request to have Mrs. Carter reimburse him for the full \$11,021.13.

The Wife is entitled to one-half of the Husband's retirement benefits currently being received through the Office of Personnel Management. The approximate monthly amount to be given to the Wife is \$1,440.84. In order to facilitate the transfer of those funds to the Wife, a Qualified Domestic Relations or similar Order will need to be entered and be effective immediately.

Retirement

H. The Husband currently collects retirement through an annuity with the Office of Personnel Management in the net monthly sum of approximately \$2,961.68 per month. The Wife shall be entitled to one-half or 50% of the net funds acquired from date of marriage to the date of separation (July 17, 2020). Normally, the Court would immediately enter an Order to effectuate the disbursement of those funds to the Wife; however, based on the sums owed by the Wife to the Husband as set forth in paragraphs F-I above, the Court delays entry of this Order for a period of thirty (30) months or until December 1, 2024, so the order becomes effective by the 31st month or by January 1, 2025.

I. The Court will enter an order directing the disbursement of said retirement benefits to the Wife on or after December 1, 2024.

J. Until such time as the Order is entered and received by the Office of Personnel Management, directing the transfer of the Wife's share of the funds to her, the Husband shall begin on the thirty-first (31st) month or January 1, 2025, paying the Wife directly until said Order takes effect.

K. If the Wife desires to maintain her percentage of the Survivor Benefits previously designated by the Husband, she shall be responsible for any and all costs and fees associated with same.

L. The Wife shall pay the costs associated with preparing the appropriate order to have the funds disbursed to her as set forth herein.

Other Information or Instruments

M. Each party shall (a) provide to the other party 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.

N. If, for any reason, either party fails to execute all those documents and perform all those acts necessary to transfer any real property or assets as provided herein, the provisions of this Final Judgment shall have the effect of a duly executed instrument of conveyance, transfer, release or acquisition when the Judgment, or a certified copy of the Judgment is recorded in the Official Records of the county in which the property is located, pursuant to Florida Statute 61.075(4).

O. The Husband shall have the right to go to the Wife's storage unit on Thursday May 26, 2022, at 10:00 a.m., accompanied by a deputy sheriff, to retrieve the following items awarded to him. The Wife shall immediately (on or before May 15, 2022) provide counsel for the Husband, in writing, with the address and storage unit number where he can obtain said items.:

1. Guest Bedroom Set (Christopher)
2. Craftsman Cabinet
3. garden supplies
4. lawn spreader
5. all auto tools
6. compound saw
7. printer and printer cabinet
8. gun safe
9. cast iron pots and pans (griddle and 13" fry pan)
10. 3 hammers
11. 7.5 KW Electric Generator
12. all craftsman tools

13. DC Power Supply
14. 4 jack stands
15. fence stretcher tools
16. 3 black iron patio chairs
17. 2016 black cargo trailer for lawn mower
18. zero turn swisher lawn mower
19. 40-gallon propane tank

During the trial, the parties agreed to the sale/auction of many marital assets, which are further described in the attached Exhibit "B". All assets are in the Wife's possession. The Wife shall provide all of the items on the attached Exhibit "B" to an auctioneer, agreed upon by the parties, within ten (10) days of the date of this Order, so said items can be sold and the sale proceeds, less any commission, can be equally divided between the parties: 50% to Wife and 50% to Husband. Failure of the Wife to provide said items to the agreed auctioneer shall be punishable by contempt.

Alimony

P. Respondent shall pay to Petitioner as alimony the amount of one thousand five hundred and No/100 Dollars (\$1,500.00) per month for a period of thirty (30) months beginning June 1, 2022 and continuing until December 1, 2024.

Q. Beginning January 1, 2025, the Husband shall pay the Wife as permanent periodic alimony the amount of five hundred and No/100 dollars (\$500.00) per month.

R. The thirty-month term of alimony and permanent periodic alimony specified above shall continue until modified by court order, the death of either party, or remarriage of Petitioner, whichever occurs first. The alimony may be modified or terminated based upon either a substantial change in circumstances, or the existence of a supportive relationship in accordance with Florida Statutes, Section 61.14.

S. Payment Made Directly. Payments of alimony shall be made by check or by money order directly to Petitioner, and both parties shall each keep their own records of all payments due, and all payments made. The Respondent should delineate in the memo line of all checks that it is for "Alimony." All payments must be made no later than the 10th day of each month.

T. The Petitioner shall notify the Court and the Respondent, in writing, and within seven (7) days of any changes to her address. The Petitioner shall immediately provide, in writing, to the Respondent, the mailing address where all support payments shall be sent.

Costs of Court

U. Any costs of court will be borne by the party incurring the same.

Attorney's Fees

V. Each party will be responsible for his or her own attorney's fees incurred herein.

Other Orders

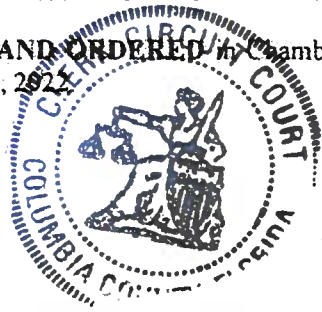
W. The Court expressly retains jurisdiction of this cause for the purposes of enforcing, construing, interpreting, or modifying the terms of this Final Judgment.

DONE AND ORDERED by Chambers at Lake City, Columbia County, Florida on the

24th day of May, 2022

STATE OF FLORIDA, COUNTY OF COLUMBIA
I HEREBY CERTIFY, that the above and foregoing
is a true copy of the original filed in this office.
JAMES M SWISHER JR, CLERK OF COURTS

By *Alisa New*
Deputy Clerk
Date 7-20-22



Mark E. Feagle
Digitally signed by Judge
Mark E. Feagle
Date: 2022.05.24 15:04:01
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MARK E. FEAGLE, Circuit Judge

Copies to:

ELIZABETH ROSADO BRINSON, Attorney for Wife at lawyer@elizabethrosadobrison.com
CHRISTINA NIETO SEIFERT, Attorney for Husband at tseifert@seifertlaw.net

This certifies papers were
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Scott L. Proctor
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EQUITABLE DISTRIBUTION SCHEDULE									
DOM: 8/24/77		DOS: 07/17/20		DOF: 6/4/21					
CARTER AND CARTER - COLUMBIA COUNTY CASE #2021-284-DR									
DESCRIPTION	VALUE	Date of Filing	LIABILITY	NET	WIFE %	HUS %	DISTRIBUTION		SOURCE
							WIFE	HUSBAND	
Marital Assets/Liabilities									
Real Property									
1	Former Marital Home	\$330,000.00	-\$198,000.00	\$103,010.06	50%	50%	\$51,505.03	\$51,505.03	
SUBTOTAL		\$330,000.00	-\$198,000.00	\$103,010.06			\$51,505.03	\$51,505.03	
Reimbursements & Accounts									
2	ANNUITY - OPM	2961.68 (MONTHLY)							
SUBTOTAL									
Furniture & Personal Property									
3	wicker trunk bedroom	\$75.00	\$0.00	\$75.00	100%		\$75.00		
4	portable fans and heater	\$100.00	\$0.00	\$100.00	100%		\$100.00		
5	lamps in MB	\$75.00	\$0.00	\$75.00	100%		\$75.00		
6	MB paintings	\$65.00	\$0.00	\$65.00	100%		\$65.00		
7	china cabinet	\$450.00	\$0.00	\$450.00	100%		\$450.00		
8	guest bedroom (christopher)	\$150.00	\$0.00	\$150.00		100%		\$150.00	
9	vacumm cleaner	\$75.00	\$0.00	\$75.00	100%		\$75.00		
10	living room tables	\$250.00	\$0.00	\$250.00	100%		\$250.00		
11	tv stand in LR and Den	\$250.00	\$0.00	\$250.00	100%		\$250.00		
12	wooden day bed	\$200.00	\$0.00	\$200.00	100%		\$200.00		
13	mirrors on wall	\$150.00	\$0.00	\$150.00	100%		\$150.00		
14	washer and dryer	\$500.00	\$0.00	\$500.00	100%		\$500.00		
15	curtains	\$75.00	\$0.00	\$75.00	100%		\$75.00		
16	jack ramps for car	\$200.00	\$0.00	\$200.00	50%	50%	\$100.00	\$100.00	H.POSS. YELL
17	freezer	\$375.00	\$0.00	\$375.00	100%		\$375.00		

Equitable Distribution Chart

18	water hoses	\$45.00	\$0.00	\$45.00	100%		\$45.00		
19	floor fans	\$45.00	\$0.00	\$45.00	100%		\$45.00		
20	Chimineea	\$99.00	\$0.00	\$99.00	100%		\$99.00		
21	garbage trash cans	\$150.00	\$0.00	\$150.00	100%		\$150.00		
22	craftsman cabinets x 2	\$200.00	\$0.00	\$200.00		100%		\$200.00	H'S POSS (1)
23	cement mixer	\$150.00	\$0.00	\$150.00		100%		\$150.00	H'S POSS.
24	garden supplies	\$50.00	\$0.00	\$50.00		100%		\$50.00	H'S POSS. 1/2
25	oil change fluids	\$35.00	\$0.00	\$35.00	100%		\$0.00		
26	hunting stands	\$100.00	\$0.00	\$100.00		100%		\$100.00	H'S POSS.
27	hunting tools (decoys, blinds, etc)	\$100.00	\$0.00	\$100.00		100%		\$100.00	H'S POSS.
28	fishing equipment (tackle box,bait)	\$20.00	\$0.00	\$20.00		100%		\$20.00	H'S POSS.
29	boat equipment (propeller wrench)	\$20.00	\$0.00	\$20.00		100%		\$20.00	H'S POSS.
30	yard leaf sweeper	\$100.00	\$0.00	\$100.00		100%		\$100.00	H'S POSS.
31	lawn spreader	\$20.00	\$0.00	\$20.00	100%			\$20.00	
32	auto tools (all)	\$100.00	\$0.00	\$100.00		100%		\$100.00	
33	table saw	\$50.00	\$0.00	\$50.00		100%		\$50.00	H'S POSS (1)
34	compound saw	\$75.00	\$0.00	\$75.00		100%		\$75.00	
35	coolers	\$45.00	\$0.00	\$45.00	100%		\$45.00		
36	wet dry vacuum	\$85.00	\$0.00	\$85.00		100%		\$85.00	H'S POSS.
37	printer and printer cabinet	\$50.00	\$0.00	\$50.00		100%		\$50.00	
38	hope chest	\$75.00	\$0.00	\$75.00	100%		\$75.00		
39	gun safe	\$600.00	\$0.00	\$600.00		100%		\$600.00	
40	wall decorations	\$150.00	\$0.00	\$150.00	100%		\$150.00		
41	rugs	\$75.00	\$0.00	\$75.00	100%		\$75.00		
42	piano weber electronic	\$100.00	\$0.00	\$100.00		100%		\$100.00	H'S POSS.
43	suitcases	\$170.00	\$0.00	\$170.00	100%		\$170.00		
44	storage totes	\$75.00	\$0.00	\$75.00	100%		\$75.00		
45	christmas decorations	\$200.00	\$0.00	\$200.00	100%		\$200.00		
46	dishes, pots, pans, spoons and forks	\$75.00	\$0.00	\$75.00	100%		\$75.00		
47	cast iron pots and pans	\$75.00	\$0.00	\$75.00		100%		\$75.00	griddle, 13" fry
48	air fryer and coffee pot	\$70.00	\$0.00	\$70.00		100%	\$70.00		
49	all small kitchen appliances	\$150.00	\$0.00	\$150.00	50%		\$75.00		sell 1/2

Equitable Distribution Chart

50	wheel barrel	\$75.00	\$0.00	\$75.00	100%		\$75.00		
51	2 shovels	\$55.00	\$0.00	\$55.00	50%	50%	\$27.50	\$27.50	H'S POSS (1)
52	2 rakes	\$50.00	\$0.00	\$50.00	50%	50%	\$25.00	\$25.00	H'S POSS (1)
53	3 hammers	\$25.00	\$0.00	\$25.00		100%		\$25.00	
54	2 hand saws	\$35.00	\$0.00	\$35.00		100%		\$35.00	H. POSS (1)
55	pressure washer	\$450.00	\$0.00	\$450.00	100%		\$450.00		
56	4 electrical cords	\$45.00	\$0.00	\$45.00	50%	50%	\$22.50	\$22.50	H. POSS (2)
57	air compressor w hoses	\$299.00	\$0.00	\$299.00	100%		\$299.00		
58	high speed drill (Makita)	\$100.00	\$0.00	\$100.00		100%	\$100.00		
59	Impact Driver Drill (Makita)	\$100.00	\$0.00	\$100.00		100%		\$100.00	H. POSS
60	7.5 KW electric generator	\$300.00	\$0.00	\$300.00		100%		\$300.00	
61	3 torque wrenches	\$90.00	\$0.00	\$90.00		100%		\$90.00	IF FOUND
62	truck camera	\$80.00	\$0.00	\$80.00		100%		\$80.00	IF FOUND
63	craftsman tools in craftsman tool boxes	\$300.00	\$0.00	\$300.00		100%		\$300.00	
64	DC power supply	\$500.00	\$0.00	\$500.00		100%		\$500.00	
65	3 ton floor jack	\$100.00	\$0.00	\$100.00		100%		\$100.00	IF FOUND
66	4 jack stands	\$80.00	\$0.00	\$80.00		100%		\$80.00	
67	mechanic creeper	\$40.00	\$0.00	\$40.00		100%		\$40.00	IF FOUND
68	harbor freight fence post auger	\$100.00	\$0.00	\$100.00		100%	\$100.00		
69	fence stretcher tools	\$45.00	\$0.00	\$45.00		100%		\$45.00	
70	6 black iron patio chairs	\$270.00	\$0.00	\$270.00	50%	50%	\$135.00	\$135.00	
71	black iron patio table	\$100.00	\$0.00	\$100.00		100%	\$100.00		
72	Refrigerators	\$800.00	\$0.00	\$800.00	50%	50%	\$400.00	\$400.00	H. POSS (1)
	SUBTOTAL						\$5,823.00	\$3,800.00	

Equitable Distribution Chart

Assets									
73	2010 Ford F250	\$18,835.00	-7061.13	\$11,773.87		100%		\$11,773.87	H'S POSS.
74	2007 Lincoln Navigator Ultimate	\$6,429.00	\$0.00	\$6,429.00	100%		\$6,429.00		
75	2005 Ford Explorer	\$2,413.00	\$0.00	\$2,413.00		100%		\$2,413.00	H'S POSS.
76	2006 Fisher Freedom Deck Boat/trailer	\$9,000.00	\$0.00	\$9,000.00		100%		\$9,000.00	H'S POSS.
77	RV - Forest River Cedar Creek 5th wh	\$9,000.00	-\$12,622.40	-\$3,622.40		100%		-\$3,622.40	H'S POSS.
78	2016 black cargo trailer for lawnmower	\$600.00	0	\$600.00		100%		\$600.00	
79	zero turn swisher 2016	\$3,000.00	-\$1,200.00	\$1,800.00		100%		\$1,800.00	
80	lawn mower tow behind (40")	\$20.00	\$0.00	\$20.00		100%		\$20.00	H'S POSS.
81	small trailer pull behind lawn mower	\$50.00	\$0.00	\$50.00	100%			\$50.00	H'S POSS.
82	29"mens bicycle	\$60.00	\$0.00	\$60.00	100%			\$60.00	IF FOUND
83	Red Dolly	\$10.00	\$0.00	\$10.00		100%		\$10.00	H. POSS
84	Blue Refrigerator Dolly (purchased w. safe)	\$50.00	\$0.00	\$50.00		100%		\$50.00	IF FOUND
85	drones (2)	\$120.00	\$0.00	\$120.00		100%		\$120.00	IF FOUND
86	40 Gal. Propane tank	\$130.00	\$0.00	\$130.00		100%		\$130.00	
SUBTOTAL								\$6,429.00	\$22,404.47
Liabilities									
87	FT WORTH MC 1893	-\$2,957.54		-\$2,957.54		100%		-\$2,957.54	
88	SUNTRUST MC 2635	-\$12,909.54		-\$12,909.54		100%		-\$12,909.54	
89	IRS DEBT (2016)	-\$18,949.41		-\$18,949.41		100%		-\$18,949.41	
90	IRS DEBT (2017)	-\$7,227.79		-\$7,227.79		100%		-\$7,227.79	
91	IRS DEBT (2018)	-\$5,307.49		-\$5,307.49		100%		-\$5,307.49	
92	IRS DEBT (2019)	-\$2,296.00		-\$2,296.00		100%		-\$2,296.00	
93	IRS DEBT (2020)	-\$5,405.20		-\$5,405.20		100%		-\$5,405.20	
94	SALLIE MAE STUDENT LOANS (H)	-\$19,921.00		-\$19,921.00		100%		-\$19,921.00	
95	VISA 4926	-\$187.10		-\$187.10	100%		-\$187.10		
96	HOME DEPOT 9433	-\$461.03		-\$461.03	100%		-\$461.03		
97	VISA 0591	-\$174.32		-\$174.32	100%		-\$174.32		

Equitable Distribution Chart

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Equitable Distribution Chart

