

IN THE CIRCUIT COURT OF THE  
SEVENTEENTH JUDICIAL CIRCUIT IN AND  
FOR BROWARD COUNTY, FLORIDA

In re the marriage of:

ERICA ESTRADA

CASE NO.FMCE-16-000087, Div. 35

Petitioner/Wife

FAMILY DIVISION

and

ELIGIO ESTRADA

Respondent/Husband

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**FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE**

**THIS MATTER** came before this Honorable Court on June 26, 2017 for Final Hearing, upon the Wife, ERICA ESTRADA's , Amended Verified Petition For Dissolution of Marriage and the Husband's Amended Verified Counter-Petition For Dissolution of Marriage. The Wife appeared with her counsel, Darren K. Edwards, Esquire. The Husband appeared with his counsel, John Elias, Esquire. The Court having heard the testimony of the parties, hearing the argument of the parties' respective counsel, having reviewed the documentary evidence presented and being otherwise fully advised in the premises, makes the following:


**FINDINGS OF FACTS**

- A. The Court has jurisdiction over the parties and the subject matter.
  - B. The parties were married to each other on May 20, 1989 in Hollywood, Florida.
- The parties separated on or about September 25, 2015.

- C. The marriage of the parties is irretrievably broken.
- D. There are no minor children born of the parties' marriage and the Wife is not pregnant.
- E. The Wife filed an Amended Petition For Dissolution of Marriage on December 13, 2016.
- F. The Husband filed an Amended Counter-Petition For Dissolution of Marriage on December 13, 2016.
- G. The Husband was a *bona fide* resident of the State of Florida for more than six (6) months prior to the filing of the Answer to Petition for Dissolution of Marriage.
- H. Neither party is a member of the United States Military Service or any of its allies.
- I. The Wife worked from 1989 when the parties married until October of 1993, when she was laid off from work by her previous employer. The Wife had been earning approximately Forty Thousand (\$40,000.00) dollars per annum from her previous employer. After being laid off from her previous employer, the Wife then set up a company named Radiology Consultants, which provided credentialing and consulting services. The Wife continued providing credentialing and consulting services to third parties and entities throughout the entire course of the parties' marriage. The Wife also set up another company named E.G. Consulting. Any monies paid to either Radiology Consultants and/or E.G. Consulting are paid under the Wife's name. Based on the parties' testimony, it is obvious that the Wife worked during the entirety of the parties' marriage.
- K. The Wife claimed during trial that she gets paid on a flat fee basis at the rate of approximately Two Thousand (\$2,000.00) dollars per job. During her trial testimony, the Wife also admitted that she has several groups that paid her on a monthly basis, to wit:
  - a). Nephrology Associates (Three Hundred Fifty (\$350.00) dollars per month)
  - b). Dr. Murray (Two Hundred (\$200.00) dollars per month);
  - c). Dr. Demaio: (Two Hundred (\$200.00) dollars per month);
  - d). Nano Health Association (One Hundred Fifty (\$150.00) dollars per month);

The Wife admitted to receiving these monies on a monthly basis totaling Nine Hundred (\$900.00) dollars per month, in addition to any other jobs which she might obtain.

L. During trial, the Wife claimed to having earned Eighteen Thousand Eight Hundred (\$18,800.00) dollars in the year 2016. However, the Wife's Financial Affidavit dated November 23, 2015, claims only Seven Hundred Fifty (\$750.00) dollars per month in income or Nine Thousand (\$9,000.00) dollars per annum. The Wife filed an Amended Family Law Financial Affidavit on June 23, 2017, claiming a monthly gross income of One Thousand Four Hundred Ten (\$1,410.00) dollars or Sixteen Thousand Nine Hundred Twenty (\$16,920.00) dollars per annum. These numbers are below as to what the Wife testified that her income was at trial, and what her personal bank deposits evidenced.

M. The former marital residence located at: 19843 N.W. 23<sup>RD</sup> Place, Pembroke Pines, Florida was sold on April 26, 2015. Each party received the sum of One Hundred Eighty Four Thousand Nine Hundred and Twelve Cents (\$184,900.12) dollars from the sale. 

N. Additionally, the Wife received the following residence as an inheritance, to wit: The real property located at: 20840 N.W. 14<sup>TH</sup> Street, Pembroke Pines, FL, in March of 2015. There is no mortgage on said property. The approximate value of said property is Two Hundred Eighty Thousand (\$280,000.00) dollars. The Wife presently resides at the property. Prior to the sale of the former marital residence, the Wife was receiving the sum of One Thousand Six Hundred (\$1,600.00) dollars per month as rent from this real property.

O. In addition, there are two (2) other properties that the Wife received from an inheritance, to wit:

1). The real property located at: 920 N.E. 108<sup>TH</sup> Street, Biscayne Park

2). The real property located at: 922 N.E. 108<sup>TH</sup> Street, Biscayne Park

P. The Wife holds a fifteen (15) year balloon mortgage encumbering the properties in Biscayne Park. The Wife will receive approximately One Hundred Seventy Five Thousand (\$175,000.00) dollars to Two Hundred Thousand (\$200,000.00) dollars when the balloon mortgage matures. In addition to her employment income, the Wife receives the sum of One Thousand Six Hundred Six (\$1,606.00) dollars per month in mortgage payments from the properties listed above. These monies, according to the Wife, are deposited into an estate account. The Wife testified that she has access to the Estate account and that she is able to withdraw funds at any time for her own personal use and benefit.

Q. The Wife has a Fidelity Individual Retirement Account with a value of Sixty Thousand One Hundred Thirty Seven and Thirty Seven Cents (\$60,137.37) dollars as of May 31, 2017. The Wife received the sum of One Hundred Eighty Four Thousand Nine Hundred and Twelve Cents (\$184,900.12) dollars from the sale of the former marital residence. The Wife's total asset base, not including cars is Five Hundred Twenty Five Thousand Thirty Seven and Forty Nine Cents (\$525,037.49) dollars. The Wife's total asset base including the two (2) mortgages which she hold against the properties in Biscayne Park, is approximately Seven Hundred Thousand (\$700,000.00) dollars.

R. The Husband, on the other hand, had had numerous employers and has lost his job numerous times during the course of the parties' marriage. The Court finds that in 2015, the Husband earned approximately Eighty Eight Thousand (\$88,000.00) dollars. In 2016, the Husband earned approximately Fifty Five Thousand (\$55,000.00) dollars. The Court finds that the Husband had to withdraw all of his monies from his 401-K savings plan in order to make ends meet during the numerous times that he was laid off.

S. The Husband has the following assets, to wit:

1). One Hundred Eighty Four Thousand Nine Hundred and Twelve Cents (\$184,900.12) dollars (Monies received from the sale of the former marital residence).

2). Centene Retirement Plan – The value as of April 30, 2017 was Fifteen Thousand Five Hundred Seventy One and Eighty Seven Cents (\$15,571.87) dollars.

3). Fidelity- Will pay out an annuity upon his retirement

Total asset base for Husband is: Two Hundred Thousand Four Hundred Seventy One and Ninety Nine Cents (\$200,471.99) dollars.

T. The Husband has two (2) student loans with Navient Department of Education and American Student loan. These student loans are subject to equitable apportionment as these were incurred during the course of the parties' marriage. The student loans total the sum of Eighty Three Thousand Eight Hundred Thirty Four and Thirty Seven Cents (\$83,834.37) dollars as of May 10, 2017.

U. Despite the Wife's trial testimony that she only earned Eighteen Thousand (\$18,000.00) dollars per annum in 2015, the Wife's personal bank deposits introduced into evidence at trial, showed that in the year 2015, she deposited into her Citibank personal accounts a total of Eighty Eight Thousand Eight Hundred Fifty Nine and Two Cents (\$88,859.02) dollars. Of this, Forty Nine Thousand Nine Hundred Twenty Eight and Thirty Three Cents (\$49,928.33) dollars was deposited into her personal checking account and Thirty Eight Thousand Nine Hundred Thirty and Sixty Nine Cents (\$38,930.69) was deposited into her savings account.

V. In the year 2016, the Wife deposited into her Citibank personal accounts from January of 2016 through June of 2016 the sum of Twenty Six Thousand Nine Hundred Twenty and Three Cents (\$26,920.03) dollars. Of this Twenty Four Thousand Nine Hundred Twenty and Three Cents (\$24,920.03) dollars was deposited into her checking account and Two Thousand (\$2,000.00) dollars was deposited into her savings account. During cross examination, the Wife admitted that these bank deposits were derived from the operations of her company.

W. The Court finds that the Wife has vastly under-reported her earnings and that her testimony at trial as to her income was not credible. The Court finds that the parties had roughly equal incomes for the years 2015 and 2016. The Court finds that the Wife earned Eighty Eight Thousand Eight Hundred Fifty Nine (\$88,859.00) dollars in the year 2015 and was on schedule to earn at least Fifty Two Thousand (\$52,000.00) dollars in the year 2016. In addition, the Wife has a much larger asset base than the Husband. Based upon the Wife's earnings and her large asset base, the Court finds that the Wife does not have a need for alimony. The Husband does not have the ability to pay any alimony.

X. Additionally, the Court finds that due to the Wife having substantial assets and earnings, the Wife does not have a need for her attorney's fees to be paid by the Husband. The Court finds that the Husband does not have the ability to pay any of the Wife's attorney's fees.

Y. The Wife has had three (3) different law firms representing her in this matter to wit: Deborah Pino, Esquire, whom the Wife tendered the sum of Five Thousand (\$5,000.00) dollars; Lewis R. Shafer, Esquire, whom the Wife tendered the sum of Eleven Thousand (\$11,000.00) dollars; and Darren K. Edwards, Esquire, whom the Wife tendered the sum of Eight Thousand (\$8,000.00) dollars. The Wife claims that she had to charge her attorney's fees. However, the latest credit card statements show a balance of approximately Five Thousand (\$5,000.00) dollars. It appears that the Wife has been able to pay out over Nineteen Thousand (\$19,000.00) dollars in legal fees to the various law firms representing her.

Z. The Wife, ERICA ESTRADA, desires the restoration of her maiden name to wit: ERICA LOUISE CUKRAS.

NOW, THEREFORE, it is,

**ORDERED AND ADJUDGED**, as follows:

- 1). The Court has jurisdiction over the parties and the subject matter in these proceedings.
- 2). The marriage between the parties is irretrievably broken. The marriage between the parties is dissolved and the parties are restored to the status of being single and unmarried.
- 3). The Wife's claim for alimony is hereby **denied**.
- 4). Each party shall retain their respective properties titled in their respective names, free from the claims of the other party.
- 5). The Wife's claim for attorney's fees is hereby **denied**.
- 6). The Husband's student loans totaling approximately Eighty Three Thousand Eight Hundred Thirty Four and Thirty Seven Cents (\$83,834.37) dollars with Navient Department of Education and American Student loan, are marital debts, subject to equitable distribution. Each party shall pay one half (1/2) of this student loan debt.
- 7). The Wife's maiden name of ERICA LOUISE CUKRAS, is hereby restored by which name the Wife shall hereinafter be known.
- 8). The Court reserves jurisdiction over the parties and the subject matter hereto to enforce and/or modify this Final Judgment of Dissolution of Marriage.

**DONE AND ORDERED** in Chamber in Fort Lauderdale, Broward County, Florida on this \_\_\_\_ day of \_\_\_\_\_, 2017.

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CIRCUIT COURT JUDGE

Copies furnished to:  
John Elias, Esquire  
Darren K. Edwards, Esquire