

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF WINCHESTER

ESTHER P. SWEET

Plaintiff

v.

Case No: CL-18-452

MICHAEL L. SWEET, JR.

Defendant

ORDER

On the 13th day of June, 2019, came the Plaintiff, in person, together with her counsel, James J. McGuire, Esquire, and the Defendant, in person, and *pro se*, for hearing on the following matters:

1. Defendant's Motion for Justice, Motion to Reconsider, Motion to Appeal Order and Grievance of Court (all of which the Court is treating as a Motion to Reconsider);
2. Plaintiff's Motion for Sanctions; and
3. Defendant's Motion for Sanctions.

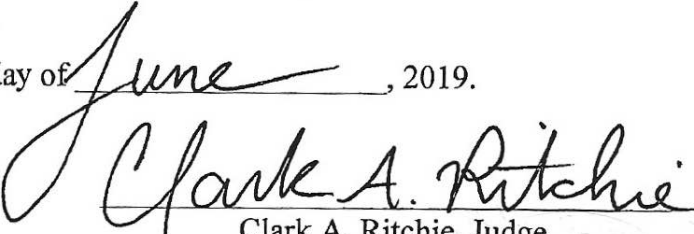
Upon consideration of the argument of counsel for Plaintiff and *pro se* Defendant, it is ADJUDGED, ORDERED and ~~DECREED~~ as follows:

1. The Court denies the Defendant's Motion to Reconsider.
2. The Court grants the Plaintiff's Motion for Sanctions. Defendant shall pay, directly to the Plaintiff, attorney fees of \$500.00. This payment shall be made within 180 days of June 13, 2019.
3. The Court finds there was no fraud perpetrated on the Court by Plaintiff or her counsel and there was no impermissible ex-parte communications with the Court. Therefore, Defendant's Motion for Sanctions is denied.

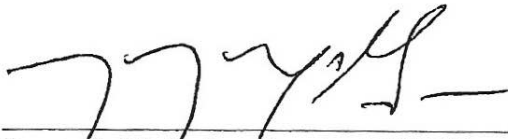
The Court notes the Defendant's exception to the denial of his Motion to Reconsider and his Motion for Sanctions.

The endorsement of the *pro se* Defendant is dispensed with pursuant to Supreme Court Rule 1:13.

Enter this 13th day of June, 2019.


Clark A. Ritchie, Judge

SEEN:


James J. McGuire, Esquire [VSB No. 36239]
Peter W. Buchbauer, Esquire
Lawrence P. Vance, Esquire
Christopher E. Collins, Esquire
BUCHBAUER & MCGUIRE, P.C.
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Counsel for Plaintiff

A COPY TESTE:


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WINCHESTER CIRCUIT COURT

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF WINCHESTER

ESTHER P. SWEET

Plaintiff

v.

Case No: CL-18-452

MICHAEL L. SWEET, JR.

Defendant

FINAL ORDER

On the 28th day of March, 2019, came the Plaintiff, (hereinafter "Wife"), in person, together with her counsel, James J. McGuire, Esquire, and the Defendant, (hereinafter "Husband"), in person, and *pro se*, for trial. Evidence was heard, *ore tenus*, and argued.

Upon consideration of the evidence presented, it is ADJUDGED, ORDERED and DECREED that:

Findings of Fact

1. The Plaintiff and the Defendant are of sound mind, over the eighteen (18) years of age, and that neither of whom is in the Armed Forces of the United States of America.
2. The Plaintiff and Defendant were lawfully married in Winchester, Virginia on September 14, 2014.
3. The Plaintiff is now, and has been for more than six (6) months immediately preceding the commencement of this suit, a bona fide resident of and domiciled within the Commonwealth of Virginia.
4. The Plaintiff and the Defendant last cohabited together as husband and wife in the City of Winchester, Virginia at 303 Parkway Street, Winchester, Virginia 22601.
5. The parties separated on or about the 1st day of August, 2017, and have lived separate and apart, continuously, without interruption, and without cohabitation since that date.

6. There is no reasonable probability of reconciliation.

7. There are two (2) minor children born of this marriage, namely

There were no other minor children adopted during the marriage and none are expected.

8. Matters of child custody and visitation have been resolved by Orders dated March 7, 2018 and March 11, 2019, entered in the Winchester City Juvenile and Domestic Relations District Court.

9. The Letter Opinion dated April 19, 2019, wherein the Court considered the evidence in light of all appropriate statutory factors set for in the Code of Virginia, is attached hereto and incorporated herein and made a part hereof as if set out in full.

10. The Letter Opinion dated May 6, 2019, addressing certain additional matters is attached hereto and incorporated herein and made a part hereof as if set out in full.

Conclusions of Law

1. Divorce. Wife is hereby granted a divorce *a vinculo matrimonii* from the Husband, pursuant to Virginia Code Section 20-91 (9) on the ground of living separate and apart, continuously, without interruption and without cohabitation for a period of more than one (1) year. Husband's counterclaim for divorce is dismissed.

2. Equitable Distribution. The marital and separate property of the parties and their debts shall be divided and allocated as set forth in the April 19, 2019, and May 6, 2019, Letter Opinions.

A. Marital Home. On May 6, 2019, the Defendant filed a letter with the Court, with a copy to counsel, indicating that he elected to buy out the Plaintiff's interest in the marital home for \$7,700.00 as provided in the April 19, 2019 Letter Opinion.

It was my fault they didn't have a valuation

B. Sweet Pearl, LLC. On May 6, 2019, the Defendant filed a letter with the Court, with a copy to counsel, indicating that he elected to buy out the Plaintiff's interest in Sweet Pearl, LLC, for \$15,000.00 as provided in the April 19, 2019 Letter Opinion.

It was my fault they didn't have a valuation

C. Savings Account. Pursuant to the April 19, 2019 and May 6, 2019, Letter Opinions, the Defendant shall pay to the Plaintiff the sum of \$1,241.05 within forty-five (45) days of the entry of this Final Order.

this never existed

**all most 4 years of marriage;
I paid everything for 2 years;
sanctioned to fake arrearages;
then I got another 2 years.**

3. Spousal Support. For the reasons set forth in the April 19, 2019 and May 6, 2019, Letter Opinions, Wife is awarded spousal support in the monthly amount of \$800.00 beginning on the first day of the month following the entry of this Final Order. The spousal support for the Wife shall continue for a period of two (2) years thereafter. The spousal support to Wife shall forever end after Husband makes his final monthly payment two (2) years from the date the spousal support commences as set forth above. The spousal support payments are tax neutral - meaning the payments are not taxable income to the Wife, nor are they tax deductible to the Husband.

4. Child Support. For the reasons set forth in the April 19, 2019, Letter Opinion, Wife is awarded child support in the monthly amount of \$1,116.80 as noted in the child support guideline worksheet attached hereto. Husband's first child support payment shall be due on May 5, 2019 and shall continue to come due on the 5th day of each month thereafter.

**My income is on a number Clark came up with;
Her's is from the fake P&L statement with the incorrect last name.**

5. Statutory Notices.

A. Pursuant to Virginia Code § 20-60.3, the following information is provided to the parties:

1. Support payments may be withheld as they become due pursuant to §20-79.1 or §20-79.2, from income as defined in §63.2-1900, without further amendments of this Order or having to file an application for services with the Department of Social Services.

2. Support payments may be withheld pursuant to Chapter 19 (§63.2-1900, et seq.) of Title 63.2 without further amendments to the order upon application for services with the Department of Social Services.

3. A duty of support is owed to the following minor children of

4. The following is true information regarding the parties who are subject of this Order:

Mother: Esther P. Sweet

Employer: Self-employed

Note: If any of above information is not provided because of an exception pursuant to §20-60.3.4, state the exception: Not applicable.

5. Pursuant to § 20-124.2, support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever occurs first, and that the court may also order the continuation of support for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, (b) unable to live independently and support himself, and (c) residing in the home of the parent seeking or receiving child support.

6. On and after July 1, 1994, notice that a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in an amount of \$5,000 or more. Neither party holds such a license.

7. The monthly amount of support is \$1,116.80 and the effective date of the order of support is May 5, 2019.

8. The children are insured by Anthem HealthKeepers Plus.

Any uninsured and unreimbursed medical expenses are to be paid 50% by Husband and 50% by Wife. Before reimbursement is required from one party to the other, the party seeking reimbursement shall be required to first demonstrate that he or

she has paid the medical expense, by providing a receipt and/or cancelled check. The other party shall have thirty (30) days from receipt of proof of payment, to reimburse his or her share of the unreimbursed medical expense of the children to the party seeking reimbursement. Unreimbursed medical expenses include, but are not limited to, medical or dental expenses, eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or developmental disabilities, services, to include social workers, psychologist, psychiatrist, counselor or therapist.

I asked multiple times for them to identify the arrearages.

9. Husband's child support arrearages were previously determined to be \$7,896.00 and he was ordered to pay the arrearage off at the rate of 1,000.00 per month beginning January 1, 2019, until paid in full. As of March 28, 2019, Husband had paid the support arrearage payments for January, February and March 2019. Husband shall continue to pay the above arrearage at the rate of \$1,000.00 per month, due on the first day of each month, until paid in full. All support payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages. **They REFUSED to identify the arrearages.**

10. If child support payments have been ordered to be paid through the Department of Social Services or directly to the obligee, and unless the Court orders otherwise for good cause shown, the parties shall give each other and this Court, and when payments are to be made through the Department, the Department of Social Services at least thirty (30) days' advance written notice, in advance, of any change of address and any change of telephone number within thirty (30) days after the change. By agreement of the parties, the child support shall be paid directly to the Wife as and when due. Wife may seek the assistance of the Department of Social Services - Division of Child Support Enforcement to collect the child support as she deems appropriate.

11. If child support payments are ordered to be paid through the Department of Social Services, the obligor shall keep the Department of Social Services informed of his or her current employer's name, address and telephone number. If payments are ordered to be paid directly to the obligee then the obligor shall keep this Court informed of his or her current employer's name, address and telephone number.

12. If child support payments are ordered to be paid through the Department of Social Services, an obligor required to provide health care coverage shall keep the Department of Social Services informed of any changes in the availability of the health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, the obligor shall keep the other party informed of any changes in the availability of the health care coverage for the minor child or children.

13. The support obligation as it becomes due and unpaid creates a judgment by operation of law. Pursuant to § 20-78.2, this order provides that interest

on the arrearage shall accrue at the judgment rate established by § 6.1-330.54 unless the obligee, in writing submitted to the court, waives the collection of interest.

14. The Department of Social Services may, on or after July 1, 1994, pursuant to Chapter 19 (§63.2-1900, et seq.) of Title 63.2 and in accordance with §20-108.2 and §63.2-1921, initiate a review of the amount of support ordered by any court.

15. If any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid.

16. In cases enforced by the Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more or ii) has failed to comply with a subpoena, summons or warrant relating to paternity or child support proceedings.

B. In accordance with the provisions of §20-111.1, Code of Virginia, 1950, as amended, the following information is provided:

Beneficiary designations for any death benefit, as defined in subsection B of § 20-111.1 of the *Code of Virginia*, made payable to a former spouse may or may not be automatically revoked by operation of law upon the entry of a final decree of annulment or divorce. If a party intends to revoke any beneficiary designation made payable to a former spouse following the annulment or divorce, the party is responsible for following any and all instructions to change such beneficiary designation given by the provider of the death benefit. Otherwise, existing beneficiary designations may remain in full force and effect after the entry of a final decree of annulment or divorce.

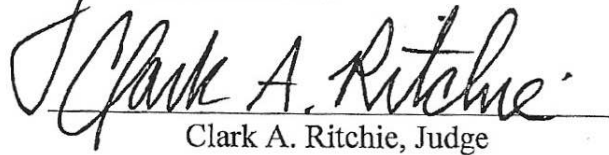
6. Attorney Fees. For the reasons set forth in the April 19, 2019, Letter Opinion, the Court declines to award additional attorney fees beyond the \$8,079.75 awarded to Wife in the January 11, 2019 Pendente Lite Decree. Accordingly, Wife is awarded attorney fees in the total amount of \$8,079.75. The Husband shall pay this award at the rate of \$1,000.00 per month beginning on the first day of the month following his payment of all child support arrearages established herein - in full. The attorney fee award payments shall be due on the first day of each month.

My payment plan

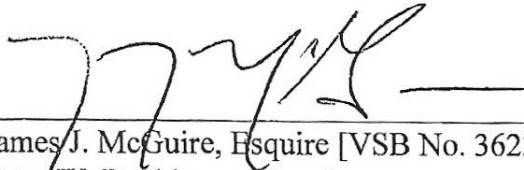
7. Retention of Jurisdiction. This court shall retain jurisdiction over this matter pursuant to Virginia Code Section 20-107.3 (K) for all purposes therein expressed.

Except for the retention of jurisdiction stated above, this Order is FINAL

Enter this 13th day of June, 2019.


Clark A. Ritchie, Judge

SEEN:



James J. McGuire, Esquire [VSB No. 36239]

Peter W. Buchbauer, Esquire

Lawrence P. Vance, Esquire

Christopher E. Collins, Esquire

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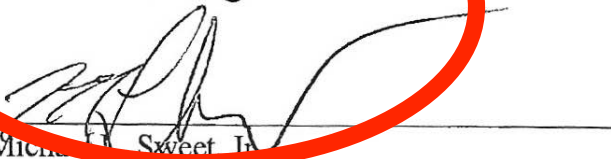
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Counsel for Plaintiff

SEEN:  Object to



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Pro Se Defendant