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LEAVHAM & WYNN PLC

Two North Camelback Mountain Skyscape
Suite 4500
Phoenix, AZ 85016

Anne A. Turney
Attorney for Petitioner

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN RE THE MARRIAGE OF:

Case No. FC2018-99448603

JANE DOE,

Petitioner,

and

JOHN DOE,

Respondent.

**PETITIONER’S PROPOSED
RESOLUTION STATEMENT**

Assigned to the Honorable Fred E. Fairness

NOW COMES Petitioner, JANE DOE (hereinafter “Mother”), by and through undersigned counsel, and hereby files her Proposed Resolution Statement pursuant to Rule 76(A), Arizona Rules of Family Law Procedure.

A. NATURE OF ACTION

This is a pre-decree matter regarding Mother’s *First Amended Petition for Dissolution of Non-Covenant Marriage (With Minor Children)*. It is not a IV-D case.

B. AGREEMENTS

The parties have not yet entered into any agreements.

C. CONTESTED ISSUES

(1) Legal Decision-Making

It is in the minor children’s best interests to award Mother sole legal decision-making.

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1 **(2) Parenting Time**

2 It is in the minor children’s best interests to designate Mother as the primary
3 residential parent and to award parenting time to Father consistent with the best
4 interests of the children.

5 **(3) Child Support**

6 Child support should be calculated pursuant to the Arizona Child Support
7 Guidelines. Father should be ordered to maintain health, dental, and vision insurance
8 for the minor children. Pursuant to A.R.S. § 25-320, the child support obligation should
9 commence as of the date of the parties’ physical separation. Mother’s worksheet is
10 attached.

11 **(4) Property Division**

12 The parties have community property that should be divided equitably and sole
13 and separate property that should be confirmed to each party. Mother’s proposed
14 division is attached.

15 **(5) Disclaimer Deed**

16 The disclaimer deed Mother executed was procured by Father’s fraud. It is
17 legally invalid. If the disclaimer deed is upheld, Mother maintains an equitable interest in
18 the community funds used to pay for and/or improve the property during the marriage.

19 **(6) Community Waste**

20 Father expended significant community funds to maintain and advance
21 extramarital affairs without Mother’s knowledge. Mother is entitled to reimbursement of
22 one half (1/2) of all community funds wasted.

23 **(7) Debt Division**

24 The parties have community debts that should be divided equitably and sole and
25 separate debts that should be confirmed to each party. Mother’s proposed division is

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1 attached.

2 **(8) Spousal Maintenance**

3 Mother is entitled to an award of spousal maintenance pursuant to A.R.S.
4 § 25-319(A). The amount and duration of Mother's request must abide disclosures and
5 discovery in this case. But for settlement purposes, Mother requests \$3,500 per month
6 for a period of ten (10) years.

7 **(9) Attorney's Fees**

8 Mother is entitled to an award of attorney's fees pursuant to A.R.S. § 25-324(A).
9 For settlement purposes, Mother requests \$10,000.

10 **D. SETTLEMENT**

11 Mother certifies that the above statements are a true and correct representation
12 of her positions. She is prepared to resolve this matter consistent with these positions.
13

14 **RESPECTFULLY SUBMITTED** this _____ day of _____, 2019.
15 /s/ Anne A. Turney
16 Anne A. Turney
17 Attorney for Petitioner
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1 **ORIGINAL** of the foregoing filed
this same date with:

2
3 The Clerk of the Court
Maricopa County Superior Court

4 **COPIES** of the foregoing e-delivered*/mailed via USPS**
this same date to:

5
6 The Honorable Fred E. Fairness*
Judge of the Superior Court

7 Shay D. Billings*/**
8 Ditcher Quick Lee & Hyde LLP
20th - 25th Floors
9 Phoenix, AZ 85016
Attorneys for Respondent

10 By: /s/ Legal Assistant

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SAMPLE PROPOSED RESOLUTION STATEMENT