

The Pro Se Self-Help Guidebook Series

# **How To Modify Your Alimony Payments**

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*How To Modify Your  
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## **Table of Contents**

<b>Preface.....</b>	<b>1</b>
<b>Introduction .....</b>	<b>3</b>
<b>What Are Considerations For Modification of Alimony?.....</b>	<b>8</b>
When Should You File To Modify Alimony? .....	13
<b>Preparing To Do Your Own Legal Work.....</b>	<b>16</b>
Unbundled Legal Services .....	22
<b>Typical Documents Used In Modifying Alimony.....</b>	<b>23</b>
Supplemental Petition For Modification Of Alimony .....	26
Clauses For Petition .....	27
Discovery Documents .....	28
Std Family Law Interrogatories for Modification Proceedings .	29
Notice of Production from Non-Party.....	29
Request to Produce .....	31
Motions .....	31
Motions to Dismiss .....	34
Motion for Extension of Time .....	35
Motion for Phone Appearance.....	35
Motion for Referral to General Master .....	35
Appendix to Motions .....	37
Notices .....	38
Notice of Compliance .....	38
Notice of Hearing Before General Master .....	39
Notice of Trial.....	39
Miscellaneous Documents .....	40
Certificate of Service .....	40
<b>Uniform Motion Calendar .....</b>	<b>42</b>
<b>Tips On Preparing Documents .....</b>	<b>45</b>
Financial Affidavits .....	46
The Ex-spouse’s Financial Affidavit .....	49
<b>Other Useful Strategies.....</b>	<b>52</b>
<b>Preparing For Trial .....</b>	<b>58</b>
Court Procedures.....	59
Court Reporter .....	61
<b>Trial.....</b>	<b>64</b>
Procedures In Court .....	64

<b>Request For Jury Trial.....</b>	<b>69</b>
<b>In Closing.....</b>	<b>71</b>
<b>Appendix.....</b>	<b>73</b>
Referenced Links .....	73
Resources:.....	74
Governing Statutes.....	75
F.S. 446.50 Displaced homemakers.....	80
Homestead Fraud .....	85
Rules of Procedure.....	87
Relevant Caselaw.....	97
<i>Acker v. Acker</i> .....	97
<i>Buxton v. Buxton</i> .....	98
<i>Carls v. Carls</i> .....	98
<i>Duttenhofer v. Duttenhofer</i> .....	99
<i>Elliott v. Elliott</i> .....	99
<i>Gerthe v. Gerthe</i> .....	100
<i>Gruber v. Gruber</i> .....	100
<i>Jaffy v. Jaffy</i> .....	103
<i>Olsen v. Olsen</i> .....	104
<i>Pimm v. Pimm</i> .....	104
<i>Sisson v. Sisson</i> .....	105
<i>Sussman v. Sussman</i> .....	105
<i>Vega v. Swait</i> .....	105
<i>Woolf v. Woolf</i> .....	105

## **Disclaimers**

The author is not a lawyer or in any way connected with the legal profession and you need to know the following by way of a disclaimer:

The information contained in this guidebook is provided solely for entertainment, educational and informational purposes. It is not intended to provide specific legal advice or is it a solicitation for legal work. You are always advised to seek the services of an attorney.

The events, situations, or suggestions mentioned in here are the results of the author's personal experiences and opinions in filing documents on a pro se basis. This book evolved from his lack of knowledge of the procedures and requirements of the court system along with his desire to learn what he needed to know in order to represent himself.

This book makes no attempt to offer any legal advice but if you see something that is helpful, take it and use it to your best advantage. It is mainly a compilation of observations and techniques that have been acquired through extensive practical experience. All items are factually correct to the best of his knowledge and the opinions expressed are solely those of the author.

Dedicated to Dick Lindsey of The Alliance For Freedom From Alimony, Inc., ([www.alimonyreform.org](http://www.alimonyreform.org)) with his team of Freedom Fighters and to all the unfortunates suffering under the burden of lifetime alimony.

“But how is...legal plunder to be identified? Quite simply. See if the law takes from some persons what belongs to them, and gives it to other persons to whom it does not belong. See if the law benefits one citizen at the expense of another by doing what the citizen himself cannot do without committing a crime. Then abolish this law without delay, for it is not only an evil itself, but also it is a fertile source for further evils because it invites reprisals.”

*-Frédéric Bastiat*

# Preface

**W**hat is Pro Se? It is Latin "for himself," "on one's own behalf" A person who represents themselves in court alone without the help of a lawyer is said to appear "pro se."

The Pro Se Self-help Guidebook series are written mainly for the benefit of the person who doesn't know their way around the legal system, who doesn't have the ability to afford a lawyer, and who has no other avenue of help other than to try to face the court by themselves.

Even if you can afford a lawyer, you can use this book to help you to understand the process and procedures involved with modifying alimony. It will provide a way to help you be aware that your lawyer is covering most all the bases in order to reduce your support payments and by showing you some of the techniques that are available to help you to reach your alimony reduction goal.

The goal of this book is to provide enough information to enable you to file a Supplemental Petition for Modification of Alimony along with the related documents and to understand some of the other documents with which you might become involved. Additionally, it will help prepare and guide you for the trial where the judge will render a ruling as to whether or not to reduce your alimony payments. If you can get a favorable ruling, you could end up saving a lot of money.

This book evolved as a result of the author's experiences with his own as well as other individual's cases involved with the reduction of alimony payments that had become unbearable and unsustainable.

It was felt that these experiences would help others because a lot of the things that were learned were not readily available but only found through trial and error. This is not the best way to learn the legal process.

In this situation, knowledge is power and it will definitely help you to know the rules and procedures involved. This book will educate and guide you.

While this guidebook will not answer your every question or handle every situation, it will provide a basic understanding to help you through a straightforward basic modification procedure that should prove successful in the event you have a legitimate reason for modifying your alimony payment. To a judge, having a "substantial change of circumstances" is a legitimate reason. A permanent change is even better.

As the writer of this book, I am not a part of the legal system but one of its victims. My objective is to see that others are made aware of how to fight back on a pro se self-represented basis by relating my experiences.

A website has been set up to support the chapters in this book at: [www.panama-publishing.com](http://www.panama-publishing.com) where you will find samples of documents, caselaw, related links, new developments, etc. as further illustration of the examples in this book. Be sure to check for new developments or updated information periodically.

[Table of Contents](#)

# Introduction

“Nothing can stop the man with right mental attitude from achieving his goal; nothing on earth can help the man with the wrong mental attitude.”

--*Thomas Jefferson*

If you are looking for a good reference on how to learn the mechanics of filing a Supplemental Petition For Modification Of Alimony (SPMA) plus learning some tips and techniques in the process, you have acquired the right publication.

If you want to learn how to be able to do all the work by yourself and learn how to not rely on high paid professionals to do something that you can essentially do yourself, you have the right publication.

If you want to apply yourself to be educated with a bit of legal knowledge and take charge of your present situation instead of being led by the hand by others and accepting whatever handouts are given to you by the other side, you have the right publication.

If you want to stop being on the defensive with the other lawyer harassing you, to change the dynamics of the case, and to go on the offensive, you have the right publication.

If you want a guarantee that if you use the information in this book that you will reduce or eliminate your alimony payments, you've got the wrong book. I'm afraid there are no guarantees like that.

In the family law system, you have no guarantees and anyone that says they can give them to you—I would suggest that you run away as fast as you can. Like everyone else, you will have to take your chances that the judge will rule in your favor. Whether or not they will

decide in your favor will depend a lot upon how you present your arguments and your case to them.

The information presented in this book is based on the laws of Florida where the events took place. The laws may vary a bit in other states but the procedures are basically the same. If you live in another state, you will need to study the statutes and case law for your particular state to be able to use them in your documents.

In family law, the term “support” encompasses two forms, child support and spousal support (alimony). While on occasion, they might go hand-in-hand; they are two entirely separate subjects. This book concerns itself entirely with spousal support a/k/a alimony and the subject of child support is beyond its scope. Each state has definite guidelines for the administration of child support. For alimony, that is another matter.

Keep in mind that there are a few states that treat alimony differently. The ones that come to mind are Texas, Indiana, Alaska and Maryland. These states are not as liberal with alimony benefits as the rest of the country and have shorter time periods for which you will be required to pay alimony obligations. They usually provide a short period of “rehabilitative” support payments to enable one spouse to become self-sufficient. Consider yourself lucky if you live in one of these states.

The most egregious form of alimony is the one imposed on an unlucky spouse for the indefinite period of a “lifetime.” Truly, in this case, will part of the marriage oath which says that “*until death do you part*” apply. That is to say that the death of either spouse is the only “sure” event that will terminate the lifetime alimony obligation.

The imposition of “lifetime” alimony is the one thing that prevents the “closure” of an unfortunate event in a married couples life, namely, that of a marriage gone bad. It prevents both spouses from getting on with their life and returning to some semblance of a normal life from that point on.

Lifetime alimony is a tragedy of today’s society that plays a major part in the destruction of the institution of marriage in America. Spouses receiving alimony apparently don’t want to get married again for fear of losing that welfare payment and the spouses paying alimony hesitate to get remarried because of the court’s lifelong jurisdiction in their lives and the financial hardships they impose.

In addition, many men of marrying age can see, from what has happened to other men, that they are facing the possibility of financial suicide resulting from a divorce and they see what the family law system has done to divorced men by separating their children from them along with imposing other indignities.

However, here we will be concerned with the fact that the court has ordered you to pay alimony and that the payments are now putting a crimp into your lifestyle due to financial reversals or some other such happening.

Things that you will encounter in the family law proceedings will give you the impression that they “aren’t fair” or that “that can’t happen in America.” Don’t waste your time trying to delve into the philosophical aspects of these thoughts. In family law, you will find that all the things that you have come to believe in as regards “justice and fairness” will appear to have been abandoned and that the family law system is a place where you can spend in limbo for possibly the rest of your lifetime.

Instead, concentrate on spending your time working within the system to defend and protect yourself, your assets and your peace of mind. The reality of the situation is that the rules are in place and you will have to find your way to work within them and around them to your advantage. Just knowing what you are capable of doing and knowing the rules of the road will take a big load off your mind.

Keep in mind that even though the other side is supposed to play by the rules, they don’t always and they will try to use your ignorance of the law and the fact that you are representing yourself against you. By learning the rules and procedures, you can then use them to fight back and this should surprise the devil out of them.

One of the things I have found regarding lawyers with whom I have had opposing me is that they tend to be use to working with other lawyers or dealing with pro se opponents who don’t know the rules. Working lawyer to lawyer, I feel they make some common mistakes knowing the other side won’t say anything. With a pro se opponent, it appears they make the same mistakes thinking that the pro se won’t know any better and will be overwhelmed with technical jargon and procedures. This overconfidence can work to your advantage.

Remember: Knowledge will be your ally and your companion in battle! Knowledge can be acquired if you commit yourself to the job of doing so. You are off to a good start by reading this book.

The laws and the procedures are not rocket science nor are they life threatening as if you were going to do major surgery. The worst that will happen is that the judge will rule against you and you will be back where you started. But if you are acting in good faith and can follow the simple guidelines presented herein, you will put the odds in your favor of prevailing.

With a little effort and participation on your part, you will be able to save a lot of money in legal fees (that you probably cannot afford in the first place) in addition to getting a better understanding of the legal process and gaining control over your situation.

If you decide to proceed with a pro se representation of yourself, what you will be saving in lawyer's fees, you will have to compensate for by putting in the time to learn and create your own documents. One of the main advantages of learning is that it will take you out of the dark about legal procedures and put you on a more even footing with the other side.

Don't bother to ask any of the court sponsored "self-help centers" or clerks of the court anything about the law as all you will get are statements to the effect that: "*we are not allowed to give out any legal advice*" which are a cop-out and designed to cut off your questions. There is very little help available for people who can't afford a lawyer and are trying to represent themselves.

There are a number of places where you can go for assistance from people who have run the gauntlet of the family law courts and who belong to Internet forums. You will be surprised at the amount of help you can get from these. One of the foremost ones in the country can be found at: [http://groups.yahoo.com/group/cflap\\_org/](http://groups.yahoo.com/group/cflap_org/). Others can be found in the appendix.

**Author's Note:** While Florida is used in many examples; the same laws and procedures could just as well apply to other states. You would need to check them first.

In addition, you will find the web a good source of information, especially if you use something like Google or other major search engine to find what you are looking for.

Now you are ready to understand the essentials of modifying your alimony payments. The first thing you need to find out is if and

when will you be able to file for a modification of alimony which will be discussed in the next chapter.

[Table of Contents](#)