

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,  
IN AND FOR ORANGE COUNTY, FLORIDA

IN RE THE MARRIAGE OF:

	Case No.:
	Division:

Petitioner/,

and

Respondent/.

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/

**JOINT PRE-TRIAL MEMORANDUM /STIPULATIONS**

COMES NOW, the Petitioner/ , and the Respondent/ , with their counsel and file this Joint Pre-Trial Memorandum and Stipulations and state as follows:

A. HISTORICAL INFORMATION

1. Date of Marriage:
2. Child(ren) at issue and DOBs:
3. Date of Separation:
4. Date of filing Petition:
5. Date of filing Counter- Petition:
6. Other pleadings pending:
7. Petitioner age and current address:
8. Respondent age and current address:
9. Petitioner employer and work address:
10. Respondent employer and work address:

B. STATEMENT OF ISSUES AND RELEVANT POSITIONS

1. **EQUITABLE DISTRIBUTION OF ASSETS AND DEBTS**

\_\_\_ The Parties agree all marital assets and debts have been divided or a Joint Equitable Distribution Spreadsheet (“EDS”) is attached to this Memorandum. Agreed upon valuations are reflected, agreement about valuation and distribution is reflected in the “Court Determined Distribution” columns.

a. **Jointly Titled Real Property: with some/all stipulations:**

i. \_\_\_ There is jointly held real property #1 at: (Address):

\_\_\_ The Parties stipulate as to the following:

Who will have sole possession of the property:

Who will have sole interest in the property:

The outstanding Mortgage for purposes of equity, unless included in Joint EDS:

The relevant market value purposes of equity, unless included in Joint EDS:

Additional agreed details (duration of possession, sale details, etc.):

ii. \_\_\_ There is jointly held real property at #2: (Address):

\_\_\_ The Parties stipulate as to the following:

Who will have sole possession of the property:

Who will have sole interest in the property:

The outstanding Mortgage for purposes of equity, unless included in Joint

EDS:

The relevant market value purposes of equity, unless included in Joint EDS:

Additional agreed details (duration of possession, sale details, etc.):

**b. Real Property: without stipulations:**

\_\_\_ The Parties Do not agree as to the real property at address:

i. Petitioner's suggested resolution of property at this address:

Who will have sole possession of the property:

Who will have sole interest in the property:

The outstanding Mortgage for purposes of equity, unless included in Joint EDS

(include source of information and date):

The relevant market value purposes of equity, unless included in Joint EDS:

Additional details (duration of possession, sale details, etc.):

ii. Respondent's suggested resolution of property at this address:

Who will have sole possession of the property:

Who will have sole interest in the property:

The outstanding Mortgage for purposes of equity, unless included in Joint EDS

(include source of information and date):

The relevant market value purposes of equity, unless included in Joint EDS:

Additional details (duration of possession, sale details, etc.):

**c. Partial Marital Property Claims (related to Real estate):**

\_\_\_ The Parties stipulate that there is no real property solely in one of their names

(or in one Parties' name with third party).

One of the Parties has real property in their names.

**The following are claims made by one party against Real Estate titled in the other parties' name:**

i.  Petitioner  Respondent: Claim against real property at this address:

Amount or percentage of Claim:

Basis for Claim (include facts, statute and case law):

ii.  Petitioner  Respondent: Claim against real property at this address:

Amount or percentage of Claim:

Basis for Claim (include facts, statute and case law):

iii.  Petitioner  Respondent: Claim against real property at this address:

Amount or percentage of Claim:

Basis for Claim (include facts, statute and case law):

d. Further Notes/Agreements related to Real Property Issues:

i. (ie. tax effect arguments)

e. **Personal Property and Vehicles (must check one):**

Both Parties agree all Personal Property has been distributed by the Parties and should not be included in the EDS.

The Parties have included all personal property in dispute, AND all personal property distributed by agreement in the Joint Equitable Distribution Spreadsheet being filed. The Parties understand that they will waive any argument that any personal property/asset was not included in the Equitable Distribution if they fail to include it in their proposed Equitable Distribution Spreadsheet.

f. **Assets / Bank and Savings Accounts (must check one):**

Both Parties agree all Accounts have been distributed by the Parties and should not be included in the EDS.

The Parties have included all accounts in dispute, AND all accounts distributed by agreement in the Joint Equitable Distribution Spreadsheet being filed.

g. **Retirement Accounts (must check one):**

Both Parties agree all Retirement Accounts have been distributed by the Parties and should not be included in the EDS..

The Parties have included all Retirement Accounts in dispute, AND all Retirement Accounts distributed by agreement in the Joint Equitable Distribution Spreadsheet being filed.

h. **Liabilities (must check one):**

Both Parties agree all Liabilities have been distributed by the Parties and should not be included in the EDS.

The Parties have included all Liabilities in dispute, AND all Liabilities distributed by agreement in the Joint Equitable Distribution Spreadsheet being filed.

i. **Partial Marital Property Claims (not related to Real estate):** The following are claims made by one party against an asset titled in the other parties' name:

i.  Petitioner  Respondent: Claim against asset (specify):

Amount or percentage of Claim:

Basis for Claim (include facts, statute and case law):

ii.  Petitioner  Respondent: Claim against asset (specify):

Amount or percentage of Claim:

Basis for Claim (include facts, statute and case law):

iii. \_\_\_ Petitioner \_\_\_ Respondent: Claim against asset (specify):

Amount or percentage of Claim:

Basis for Claim (include facts, statute and case law):

j. **Non-Marital Assets: The following are claims that a party has relevant non-marital assets:**

i. \_\_\_ Petitioner \_\_\_ Respondent: Claim that \_\_\_ Petitioner \_\_\_

Respondent has non-marital asset (Institution and Acct###):

That \_\_\_ is \_\_\_ is not included in the Joint Equitable Distribution Spreadsheet.

IF not, that asset is valued at:

Source of information:

ii. \_\_\_ Petitioner \_\_\_ Respondent: Claim that \_\_\_ Petitioner \_\_\_

Respondent has non-marital asset (Institution and Acct###):

That \_\_\_ is \_\_\_ is not included in the Joint Equitable Distribution Spreadsheet.

IF not, that asset valued at:

Source of information:

k. **Non-Marital Debts: The following are claims that a party has relevant non-marital debt:**

i. \_\_\_ Petitioner \_\_\_ Respondent: Claim that \_\_\_ Petitioner \_\_\_

Respondent has non-marital debt (specify) (Institution and Acct###):

That \_\_\_ is \_\_\_ is not included in the Joint Equitable Distribution Spreadsheet.

IF not, that liability is: \$

Source of information:

I. **Further Notes/Agreements as to Business Interests:**

- i. *(ie. experts and any stipulated reports and/or basis for valuation)*
- ii. *(ie, basis for using as equitable distribution vs income for alimony)*
- iii. *(ie, other arguments related to special issues)*

2. **TIME SHARING ISSUES**

\_\_The Parties have a fully executed Parenting Plan filed on \_\_\_\_\_.

\_\_The Parties are not in agreement as to a final Parenting Plan but have been following a temporary timesharing plan / Order that was \_\_ not filed \_\_ filed on (date).

\_\_ The Parties are not in agreement a to a regular timesharing schedule, but agree on a holiday schedule, which is set out here:

Special medical or other problems any of the child(ren) may have that would affect timesharing or child support and what that effect may be:

Work Schedules of both parents:

**Petitioner's position** as to proposed timesharing with exchange details is set out in Proposed Parenting Plan filed on \_\_\_\_\_, or is set out herein (with consideration of logistics, transportation, schedules or the like):

Any specific non-standard requests for communication, shared parenting, travel, medical or educational issues, etc.

Basis for any restricted timesharing or non-shared parental responsibility:

**Respondent's position** as to proposed timesharing with exchange details is set out in Proposed Parenting Plan filed on \_\_\_\_\_, or is set out herein (with

consideration of logistics, transportation, schedules or the like):

Any specific non-standard requests for communication, shared parenting, travel, medical or educational issues, etc.

Basis for any restricted timesharing or non-shared parental responsibility:

The Parties agree to allow the Court to review the following reports prior to the proceeding:

3. **ALIMONY**

Both parties waive any claim to alimony.

OR

The  Petitioner  Respondent has pled for alimony.

i.  Petitioner  Respondent

Type of Alimony pled for in Petition or Counter Petition:

Type, if any, alimony believed supported by facts and the law:

If durational alimony pled for, what duration requested:

Amount of alimony believed supported by facts and the law:

Retroactive requested and details:

ii.  Petitioner  Respondent opposes alimony requested.

Type, if any, alimony believed supported by facts and the law:

Amount, if any, alimony believed supported by facts and the law:

If durational alimony pled for, what duration requested:

Amount of alimony believed supported by facts and the law:

Retroactive requested and details:



4. **CHILD SUPPORT:**

a. **Incomes for Calculation:**

\_\_\_ Stipulations as to child support calculation over relevant period is reflected in the Child Support Guidelines attached to this Memorandum

\_\_\_ **The Parties have Stipulations as to income of parties over this relevant period:**

i. \_\_\_ The Parties stipulate that \_\_\_ Petitioner \_\_\_ Respondent earned only W-2 incomes for the relevant time periods:

ii. \_\_\_ The parties stipulate that \_\_\_ Petitioner \_\_\_ Respondent earned W-2 incomes for the relevant time periods, but do not agree as to other sources of income:

**Stipulated Incomes for Purposes of Alimony or Child Support** (the Court will expect stipulations as to all W-2 and other knowable incomes):

\_\_\_ Petitioner \_\_\_ Respondent earning: \$ \_\_\_\_\_ for (year)

\_\_\_ Petitioner \_\_\_ Respondent earning: \$ \_\_\_\_\_ for (year)

\_\_\_ Petitioner \_\_\_ Respondent earning: \$ \_\_\_\_\_ for (year)

\_\_\_ Petitioner \_\_\_ Respondent earning: \$ \_\_\_\_\_ for (year)

\_\_\_ Petitioner \_\_\_ Respondent earning: \$ \_\_\_\_\_ for (year)

\_\_\_ Petitioner \_\_\_ Respondent earning: \$ \_\_\_\_\_ for (year)

\_\_\_ Petitioner \_\_\_ Respondent earning: \$ \_\_\_\_\_ currently

\_\_\_ Petitioner \_\_\_ Respondent earning: \$ \_\_\_\_\_ currently

\_\_\_ **The Parties do not agree as to the income of the \_\_\_ Petitioner**

**\_\_ Respondent during the relevant time periods.**

**i. Petitioners Position:**

\_\_Petitioner \_\_ Respondent earning: \$ \_\_\_\_\_ for (year) / Source of income:

Source of information/evidence:

\_\_Petitioner \_\_ Respondent earning: \$ \_\_\_\_\_ for (year) / Source of income:

Source of information/evidence:

\_\_Petitioner \_\_ Respondent earning: \$ \_\_\_\_\_ \_\_annually \_\_ monthly currently:

Source of information/evidence:

\_\_Petitioner \_\_ Respondent earning: \$ \_\_\_\_\_ \_\_annually \_\_ monthly currently:

Source of information/evidence:

**ii. Respondent's Position:**

\_\_Petitioner \_\_ Respondent earning: \$ \_\_\_\_\_ for (year) / Source of income:

Source of information/evidence:

\_\_Petitioner \_\_ Respondent earning: \$ \_\_\_\_\_ for (year) / Source of income:

Source of information/evidence:

\_\_Petitioner \_\_ Respondent earning: \$ \_\_\_\_\_ \_\_annually \_\_ monthly currently

Source of income:

Source of information/evidence:

\_\_Petitioner \_\_ Respondent earning: \$ \_\_\_\_\_ --annually \_\_ monthly currently

Source of income:

Source of information/evidence:

**b. Health Insurance and Day care expenses**

The Parties \_\_agree \_\_ don't agree that the Petitioner / Respondent had the

following health insurance costs for themselves for the following years:

The Parties \_\_\_agree \_\_\_ don't agree that the Petitioner / Respondent had the following health insurance costs for themselves for the following years:

The Parties \_\_\_agree \_\_\_ do not agree that the Petitioner / Respondent had the following health insurance costs for the Child(ren) for the following years:

The Parties \_\_\_agree \_\_\_ do not agree that the Petitioner / Respondent had the following health insurance costs for the Child(ren) for the following years:

The Parties \_\_\_agree \_\_\_ do not agree that the Petitioner / Respondent had the following daycare for the Child(ren) for the following years:

There \_\_\_ is \_\_\_ is not a temporary child support that \_\_\_is included in an Order \_\_\_ is informal between the parties.

c. **Retroactive period:**

\_\_\_The Parties agree that child support should be retroactive to \_\_\_\_\_

\_\_\_The Parties do not agree, the Petitioner believes support should be calculated from \_\_\_\_\_ and the Respondent believes support should be calculated from \_\_\_\_\_.

d. **Credits for Payment:**

\_\_\_The Parties agree that the Petitioner / Respondent should receive credit for paying retroactive Child support in the amount of \$\_\_\_\_\_.

\_\_\_The Parties do not agree

i. Petitioner believes the Petitioner / Respondent should receive credit for paying retroactive Child support in the amount of \$\_\_\_\_\_, payments made by way of \_\_\_\_\_ for these months:

ii. Respondent believes the \_\_\_Petitioner \_\_\_Respondent should receive credit for paying retroactive Child Support in the amount of \$\_\_\_\_\_, payments made by way of \_\_\_\_\_ for the following months:

**5. ATTORNEY'S FEES:**

\_\_\_ Both parties waive any claim to attorney's fees.

OR

\_\_\_ The \_\_\_ Petitioner \_\_\_ Respondent has pled for attorney's fees.

i. \_\_\_ Petitioner \_\_\_ Respondent requests attorney's fees

Pleading requesting fees and date filed:

Other basis in the law for fees statute/case law:

Amount of Fees requested:

Affidavit for Fees filed this date:

ii. \_\_\_ Petitioner \_\_\_ Respondent requests attorney's fees

Pleading requesting fees and date filed:

Other basis in the law for fees statute/case law:

Amount of Fees requested:

Affidavit for Fees filed this date:

**6. OTHER STIPULATIONS OF THE PARTIES:**

**C. TRIAL EXHIBITS**

i. The Parties affirm that they have met and have signed the back of the other's exhibits that have been marked for identification. The Parties have

exchanged exhibit lists.

ii. \_\_\_Petitioner does not object to any Respondent exhibit \_\_\_The Petitioner objects to the following exhibits proposed by Respondent:

iii. \_\_\_Respondent does not object to any Petitioner exhibit \_\_\_The Respondent objects to the following exhibits proposed by Petitioner:

iv. The Parties \_\_\_do \_\_\_do not agree to have all exhibits without objections set out herein to be entered into evidence at the beginning of the proceeding.

v. Parties affirm that they have exchanged witness lists.

vi. Parties affirm that there is no additional discovery needed and they have been fully apprised of the evidence that will be provided by the other.

vii. The Parties affirm that they have filed their last, updated and corrected, Financial Affidavit and understand that no last minute Financial Affidavit will be used at trial.

D. GOOD FAITH ESTIMATE OF TIME

i. Petitioner estimates \_\_\_ hours for their portion of the trial, and expects to call \_\_\_ witnesses.

ii. Respondent estimates \_\_\_ hours for his portion of the trial, and expects to call \_\_\_ witnesses.

Dated \_\_\_\_\_

Dated \_\_\_\_\_

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Petitioner's Attorney  
, Esquire

\_\_\_\_\_  
Respondent's Attorney  
, Esquire

Florida Bar No.

Florida Bar No.