

**SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION – FAMILY PART  
ATLANTIC COUNTY, NEW JERSEY  
DOCKET NO. FM-01-354-16**

**TODD REGNAERT,** )  
 )  
 ) Plaintiff, )  
 ) v. )  
 )  
**SANDRA REGNAERT,** )  
 )  
 ) Defendant. )

**Transcript  
of  
Court Ruling  
On Final Judgment of Divorce**

**Place: Atlantic County Courthouse  
1201 Bacharach Boulevard  
Atlantic City, NJ 08401**

**Date: December 9, 2016**

**BEFORE:**

THE HONORABLE JEFFREY D. LIGHT, J.S.C.

**TRANSCRIPT ORDERED BY:**

KEVIN J. MURPHY, ESQ., (Adinolfi & Packman, P.A.)

**APPEARANCES:**

CHARLES A. MATISON, ESQ., (Charles A. Matison, Esq., P.C.)  
Attorney for Plaintiff

SANDRA REGNAERT,  
Pro Se Defendant

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**CHERYL A. BRYSON, C.E.T., AD/T  
CB TRIALSCRIPT SERVICE  
1606 ADAMS AVENUE  
LINWOOD, NJ 08221  
PHONE/FAX: 609-653-1971  
DIGITAL RECORDING BY: D. PARRISH**

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I N D E X

PROCEEDING :

PAGE

Appearances	3
Ruling, The Court	4

WITNESSES

<u>Name :</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
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(None this date)

EXHIBITS

<u>Number</u>	<u>Description</u>	<u>I.D.</u>	<u>Evid</u>
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(None marked on record)

1 (December 9, 2017. Digital audio recording at  
2 Time Index 1:47:09 as follows:)

3 COURT ATTENDANT: All rise.

4 THE COURT: All right. Be seated, everyone.  
5 Good afternoon.

6 All right. This is in Regnaert v. Regnaert.  
7 This is FM-01-354-16.

8 Mr. Matison, your appearance, please.

9 MR. MATISON: Good afternoon, Your Honor.  
10 Charles Matison on behalf of the plaintiff, Todd  
11 Regnaert.

12 THE COURT: All right. This is - we're here  
13 to place my decision on the record in this divorce,  
14 which we tried on October 18th. What's going to happen  
15 is I'm going to give you my decision, and then I'm  
16 going to - You'll leave here today with a Final  
17 Judgment of Divorce.

18 Mr. Matison, I'm going to ask you to prepare  
19 the amended Final Judgment with the decisions that I  
20 make today. So you'll be divorced today. Within ten  
21 days Mr. Matison will prepare an amended Final  
22 Judgment, which you'll send to me with a copy to you,  
23 Ms. Regnaert. If you have objection that I decided  
24 something differently, you send me that in writing and  
25 then we'll work on that until we have an agreement as

1 to what it is I decided.

2 It's not an opportunity to disagree with my  
3 decision. If you disagree with my decision you have 45  
4 days to appeal to the Appellate Division of the  
5 Superior Court. So my decision is as follows.

6 With regard to the basics, I find that the  
7 parties were married on April 6, 2007 in a religious  
8 ceremony in Chattanooga, Tennessee. There is one child  
9 born to the marriage, Jonas Armond Regnaert born  
10 March 18, 2009.

11 This is - I'm not sure. Is this your first  
12 marriage, Mr. Regnaert?

13 DR. REGNAERT: This is the second one. The  
14 first one -

15 THE COURT: Did the first one end in divorce?

16 DR. REGNAERT: Amicable, yeah. We were best  
17 friends who shouldn't have gotten married.

18 THE COURT: Did that end before you married  
19 Ms. Regnaert?

20 DR. REGNAERT: Substantially, yes.

21 THE COURT: Ms. Regnaert, is this your first  
22 marriage?

23 MS. REGNAERT: Yes, sir.

24 THE COURT: This is the second marriage for  
25 the plaintiff, his first marriage ending in divorce

1 before this marriage took place. This is the first  
2 marriage for the defendant, and I don't know – There  
3 are no prior proceedings with regard to this marriage.

4 I find the jurisdictional requirements have  
5 been met, the plaintiff residing in the state of New  
6 Jersey for at least one year next preceding the filing  
7 of the complaint. The venue requirements have been  
8 met, the plaintiff residing in Atlantic County when  
9 this cause of action arose. I find there is  
10 jurisdiction over the defendant, who filed an answer to  
11 the complaint. I find the plaintiff has proved the  
12 cause of action for divorce based on the grounds of –  
13 let me see what you pled, probably irreconcilable  
14 differences – irreconcilable differences lasting at  
15 least six months with no reasonable prospect of  
16 reconciliation, and I will enter judgment dissolving  
17 the marriage on that basis.

18 As to the issues in the divorce, the first  
19 issue is custody and parenting time. There is a  
20 current order of the Court of February 10, 2016 which  
21 established joint legal custody of Jonas with the two  
22 parties. In the course of the trial Dr. Regnaert  
23 requested and Ms. Regnaert indicated no objection to  
24 continuing the joint legal custody, and that will be  
25 the order of the Court. That order also contained a –

1 at least at that time, at printing time, schedule - the  
2 parties - and that order, by the way, is Exhibit P-6.  
3 The parties mediated a variation of that under Exhibit  
4 P-7 and then altered that by agreement. The current  
5 schedule now has Mr. - Dr. Regnaert with having  
6 parenting time from three-thirty or four o'clock on  
7 Sunday through Monday at seven-thirty a.m. in which he  
8 returns the child to the defendant from Tuesday around  
9 five-thirty to Wednesday morning at around seven-thirty  
10 a.m., where he returns the child to the defendant. And  
11 Friday with a similar schedule from five-thirty, but  
12 this time to Saturday, about three-thirty in the  
13 afternoon. Plus the Court holiday schedules -  
14 incorporated the Court holiday schedule.

15 Plaintiff wishes to maintain that schedule.  
16 The defendant wants to eliminate the overnights.  
17 Didn't really hear testimony about when he goes to bed.  
18 What time does he go to bed with you, Ms. Regnaert?

19 MS. REGNAERT: I start preparing him for bed  
20 around six-thirty now. So -

21 THE COURT: Six-thirty? What time does he  
22 actually go to bed?

23 MS. REGNAERT: Get him in bed by seven, read  
24 his story and his lullaby and all that, and hopefully  
25 he's asleep by -

1 THE COURT: I don't know, what time does he  
2 go to bed with you, Doctor?

3 DR. REGNAERT: Oh, we're always in bed by  
4 like no later than quarter after seven, and we usually  
5 warm up for bed - we've been trying to work together  
6 with this, about seven o'clock.

7 THE COURT: All right.

8 DR. REGNAERT: The other night was 7:04 and  
9 we were reading *Magic Treehouse* in bed.

10 THE COURT: All right. So, so it's right in  
11 - Ms. Regnaert's objection was that he somehow stays up  
12 late. I accept the testimony. There was no testimony  
13 at the actual trial, but the parties are going to bed  
14 sort of at the similar time for each. To be fair, Ms.  
15 Regnaert attempted to introduce certain documents  
16 showing that the child was - had problems in school on  
17 certain days, but there was no - no evidence that, that  
18 any of that was related to when the child goes to bed  
19 with Dr. Regnaert or Mrs. Regnaert.

20 She also introduced into evidence transcripts  
21 of certain conversations with Dr. Regnaert, which quite  
22 frankly were troublesome in terms of the anger that was  
23 expressed. However, she did not request really any  
24 modification of his parenting time based upon his  
25 demeanor or anger or anything else. She just was

1 requesting that based upon the time he went to bed. I  
2 have some concern over that and as part of this I'm not  
3 - I'm going to leave the parenting time as has  
4 currently been agreed to by the parties, but I'm going  
5 to direct Dr. Regnaert to undergo some counseling to  
6 address anger management. I think those conversations  
7 are quite disturbing. I'm not accepting his  
8 explanation of it, that somehow he was talking to his  
9 brother in some trans-continental call. It was far  
10 beyond that and not really credible. So I think some  
11 counseling would be, you know, would be helpful. That  
12 resolves the custody and parenting time issues.

13 The next issue is equitable distribution of  
14 the property. Personal property has been distributed  
15 by agreement of the parties. Dr. Regnaert has  
16 basically given up any right to the personal property  
17 in the house, although he had a right to it. They each  
18 are going to retain their own vehicles. I know Ms.  
19 Regnaert has a Ford Explorer. There was really no  
20 testimony on what Dr. Regnaert owns, only apparently  
21 he's got his own vehicles and he'll maintain them, and  
22 each will be responsible for those costs.

23 The unrefuted testimony of Dr. Regnaert is  
24 there aren't any retirement funds, there are no joint  
25 accounts, there are no investments, there are no

1 stocks. Ms. Regnaert raised questions about that in  
2 light of Dr. Regnaert's income over the years, but  
3 there is no proof that the money was spent in some  
4 particular way, it was hidden some way, and so I have  
5 to accept as true the fact that whatever money was  
6 earned was spent.

7 I do note from the tax returns that Dr.  
8 Regnaert has not earned at his current level forever.  
9 There were years he made far less than he makes now.  
10 So it's not that he always made this \$200,000 that he's  
11 earning at this time.

12 So the only asset in issue, the only real  
13 joint asset in issue is the real property at 2816 Vine  
14 Road in Buena Vista Township. There's evidence from  
15 John Randinella, the appraiser, who calculated, who  
16 provided evidence about its value at the time of  
17 marriage, about \$205,000 and a mortgage of \$100,000 at  
18 the time; a current value of \$360,000 and a mortgage  
19 evidenced at \$174,000, and plaintiff offered testimony  
20 that there's \$81,000 in equity.

21 Ms. Regnaert offered her own evidence about  
22 the values and the mortgages, and it came out to a  
23 value of about \$70,000 using the actual mortgage  
24 statements, and I will accept her evidence as the  
25 better evidence and find that there's \$70,000 in

1 equity.

2 Ms. Regnaert has argued that Dr. Regnaert is  
3 not entitled to any of that because it is her property  
4 and the mortgage hasn't gone down. But there's ample  
5 evidence that that money was used by her own admission  
6 with the refinance. Money was taken out to pay  
7 household bills. It was used to pay expansions of the  
8 property, improvements to the property, and Dr.  
9 Regnaert argues that it was his earning capacity that,  
10 that paid for most of these – whatever, whatever  
11 improvements to the property or paid the bills. It was  
12 his income primarily that paid those expenses, and that  
13 is unrefuted.

14 So balancing these concepts, and because  
15 there's only one asset I don't feel there's a need to  
16 go through the statutory criteria for equitable  
17 distribution since there's no, no assets to trade off  
18 against the other. But I do find that under the  
19 circumstances that Dr. Regnaert is entitled to 50  
20 percent of the equity or \$35,000. I'm going to  
21 provide, however, that that's to be paid by the  
22 defendant within five years either in cash or refinance  
23 or otherwise. If it's not paid within five years, then  
24 the house will be sold and he'll receive \$35,000 from  
25 the proceeds. I find this gives her ample time to

1 address that issue.

2 The last issue is alimony, which is, as  
3 usual, the most difficult issue to address. For that I  
4 look to the statutory criteria, the factors that I'm  
5 charged with considering under 2A:34-23. The first  
6 factor – and it's – alimony is – we don't have alimony  
7 guidelines. We don't have a calculation. It's not  
8 strictly a mathematical formula where I rely on math to  
9 give me a basic understanding of the parties needs and  
10 ability to pay, and that's the first factor, the actual  
11 need and ability of the parties to pay.

12 We'll start with Dr. Regnaert. Dr. Regnaert,  
13 I looked to – again, there's some – Doctor, the  
14 testimony was Dr. Regnaert was scheduled, on schedule  
15 to make \$205,000 a year. I've sort of used some  
16 numbers around that. I'm a little confused by that  
17 assertion since his gross pay every two weeks is  
18 \$7,200, which comes out to about \$187,000 – \$188,000.  
19 The testimony was he gets between \$7,000 and \$8,000 a  
20 year from the military, which only gets him to about  
21 \$195,000. His testimony very definitively was he  
22 doesn't get any bonuses, and so how he gets to \$205,000  
23 I'm not sure. But I use that number. I could use a  
24 lower number. It wouldn't have a material difference  
25 on my decision or my calculation. But using that for

1 2016 and averaging the last five years through 2012 –  
2 and his numbers vary from \$157,000; \$127,000; \$123,000;  
3 \$233,000; \$205,000. They're really all over the place.  
4 His average is about \$183,520. But his paycheck  
5 represents \$187,200 is the max he's going to make on  
6 his paycheck.

7 I've looked at his Case Information Statement  
8 and I modified that sum to take out some numbers that I  
9 thought were questionable and, again, even if I added  
10 them back it's not going to make a material difference.  
11 He's got \$1,400 in car payments, which I don't know how  
12 that could be a real number. I divided that in half.  
13 I just found that unreasonable. I don't know where  
14 that comes from. He owes almost \$600 in debt service  
15 and no credit cards. So I modified that. I've – and,  
16 again, I think even if I added that, being that it's  
17 not going to materially change my decision, he has a  
18 lifestyle – his lifestyle is about \$5,260 a month.

19 His net pay every two weeks by his paycheck  
20 is \$5,553. When I divide by two and multiply by 4.3,  
21 which is the average number of weeks in a month, he has  
22 \$11,874 a month available. When I deduct his need  
23 based on his Case Information Statement, this is – this  
24 is without the \$2,000 that he's paying back to his  
25 employer – without including that he has \$6,614

1 available every month. When I take out the \$2,000 he  
2 still has \$4,614 available every month above his need.

3 In addition, he's probably got another - if I  
4 figure in \$7,500 from the military, he's got another  
5 \$600 available from the military. So he has a  
6 substantial ability to pay support above his need.

7 I looked at the defendant's information, and  
8 to begin with I know that the plaintiff has argued that  
9 I should impute 80-some thousand or 90/80-some thousand  
10 dollars to her as a dental hygienist. Well, that I  
11 believe is theoretically true under the labor  
12 guidelines, I don't find that that's necessarily true  
13 in this area under this circumstance. What I'm  
14 imputing to Ms. Regnaert is \$55,000 a year, and that's  
15 at \$35 an hour, which she considered to be a low wage  
16 that she was actually offered and a 30-hour week. And  
17 I use that number because I feel that if you can - that  
18 she should be able to get employment at 30 hours a week  
19 without implicating the child care - without  
20 implicating child care because she'll be able to work  
21 and still the child should be able to get to school and  
22 go back home from school without necessarily incurring  
23 childcare costs. If I go to a 40-hour week, then there  
24 are childcare costs which are unknown because I have to  
25 impute that to her to get her to earn that money. So I

1 find that that's a fair imputation of income.

2 I have not included any dog training money,  
3 although she said she made \$10,000 of that by her  
4 testimony. Looking at her tax returns for the last two  
5 years, she's lost money. This past year she lost about  
6 \$2,000, which was better than the year before. The  
7 year before she did, in fact, gross \$10,000 but showed  
8 a \$9,000 loss. So there's no - although she's trying  
9 to improve that business, there's no track record of  
10 any money being made whatsoever. So it would be unfair  
11 to impute that income to her. So I've imputed \$55,000  
12 to her. It comes out to about \$1,050 a week.

13 On her Case Information Statement I've  
14 trimmed that back considerably from the \$11,000-  
15 \$12,000. There were things that were in there that -  
16 there's private school, which there is no private  
17 school. There's vacation, there's camps, there's  
18 restaurants, there's clothing where her testimony was  
19 they lived a very modest lifestyle without any of those  
20 things, and I produced a number of \$7,680 basically as  
21 her monthly need.

22 Her after-tax net when I ran the numbers on  
23 the guidelines is \$863 a week based on the \$1,050 a  
24 week in income or a monthly average of \$3,710. When I  
25 subtract that from her, from her needs it's about \$923.

1 Again, this is - these are round numbers as to her  
2 need. But that, I think, is a bare-bones number. But  
3 anything - that's, that's sort of where this stands.  
4 So in terms of her need and Dr. Regnaert's ability to  
5 pay.

6 There - I look to see number two, the  
7 duration of the marriage. It was a civil union. In  
8 this case the marriage was, the marriage was 8-1/2  
9 years. The marriage was, they were married on  
10 April 6 of 2007. The complaint was filed on November 9  
11 of 2015. So it's essentially an 8-1/2 year, 8-1/2-year  
12 marriage. I'm sorry - Yeah, 8-1/2 years.

13 There's the age, physical and emotional  
14 health of the parties. Both parties seem to be  
15 relatively young, physically and emotionally healthy.  
16 Certainly they can function properly and earn, earn  
17 livings. There's nothing holding them back.

18 There's a standard of living established in  
19 the marriage or civil union and the likelihood each  
20 party can maintain a reasonably comparable standard of  
21 living with neither party having greater entitlement to  
22 that standard of living than the other, and I'm taking  
23 that into account in the numbers I'll ultimately give  
24 you.

25 Number five, the earning capacities,

1 educational levels, vocational skills, employability.  
2 Certainly, Dr. Regnaert is clearly employable and  
3 employed as a dentist. He needs no additional  
4 training. Ms. Regnaert is licensed as a dental  
5 hygienist. She needs no additional training. She's  
6 certainly ready and capable of working. The only thing  
7 that happens from the job market of the party seeking  
8 maintenance, Ms. Regnaert is employed, although part-  
9 time, in this profession. So she needs this  
10 occupation. She needs – so that's not really a factor.

11 Parental responsibilities of the children.  
12 The parenting schedule right now, Dr. Regnaert is not  
13 limited by his parental responsibilities, although he  
14 has another older child at home. He has Joshua at home  
15 with him. He's, I believe, 16. He's really not,  
16 doesn't really interfere with his parenting.

17 Ms. Regnaert has Jonas, who is seven, and  
18 I've taken that into account in her work schedule and  
19 what she possibly can earn.

20 Eight is the time and expense necessary to  
21 acquire sufficient education or training to find  
22 appropriate employment. This is not relevant. They  
23 both have occupations at this time that are meaningful.

24 Nine is the history of the financial and non-  
25 financial contributions to the marriage by each party,

1 including contributions to care and education of the  
2 children, interruption of personal careers, educational  
3 opportunities. There's no evidence that either party  
4 had given up a particular livelihood to take care of  
5 the children. They seem to have managed this without  
6 any interruption, although I think Ms. Regnaert has  
7 been out of the workplace more significantly because of  
8 Jonas.

9 Ten is the equitable distribution of  
10 property, any payouts directly or indirectly out of  
11 current income to the extent consideration is  
12 reasonable. There are no assets being distributed that  
13 would produce income to either party that would affect  
14 the analysis. And eleven is the income available to  
15 either party through investment. I didn't hear of any.

16 The tax treatment and consequences to both  
17 parties of any alimony award, designation of all or  
18 part as non-taxable payment. This is - I don't think  
19 this is going to be a factor considering the award that  
20 I'm going to enter.

21 Nature and amount of *pendente lite* support.  
22 This becomes a factor since Dr. Regnaert's been paying  
23 \$1,600 a week since February 10th of 2016, and I will  
24 take that into account and any other factors.

25 I made my decision primarily based on factors

1 one, need. Two is duration, as I'll tell you. Four,  
2 standard of living. I guess five is employable - five  
3 is employabilities of the parties. So those are the  
4 major factors.

5 So if I were to run - my determination is in  
6 considering these factors I'm going to - I've looked at  
7 this as basically - How do I put it? I find that  
8 Doctor - under the circumstances Dr. Regnaert should be  
9 paying - I'll give you a gross number and then I'll  
10 tell you how to break it down - it's \$1,200 a week to  
11 Ms. Regnaert for a period of - let me find my notes -  
12 for a period of five years with credit of ten months  
13 paid as *pendente lite* support. If I factored the \$800  
14 - I'm awarding alimony of \$800. If I put that into the  
15 guidelines it would produce a child support award of  
16 \$230. However, this is an odd guidelines child support  
17 case since the parties make in excess of \$187,000. So  
18 I'm awarding an enhanced child support award of \$400.  
19 The \$800 will be tax deductible to Dr. Regnaert,  
20 taxable to the plaintiff. The \$400 is tax neutral.

21 In terms of the \$1,600 that he's paid, I'm  
22 going to allocate that as \$1,000 in alimony and \$600 in  
23 child support, the \$1,000 to be taxable, the \$600 is  
24 tax neutral.

25 And I think that concludes the matter. Is

1 there anything that I omitted?

2 MR. MATISON: No, Your Honor. I just need a  
3 clarification from you.

4 THE COURT: Yes?

5 MR. MATISON: For purposes of benchmarks is  
6 it your finding that I should benchmark Dr. Regnaert at  
7 \$205,000 or at some other number?

8 THE COURT: At \$200,000.

9 MR. MATISON: At — I'm sorry?

10 THE COURT: \$200,000.

11 MR. MATISON: \$200,000. And I'm, and I'm  
12 benchmarking for purposes of — and I'm benchmarking  
13 income to the defendant of \$55,000?

14 THE COURT: That's correct.

15 MR. MATISON: Your Honor, there are some  
16 things you didn't consider. I assume that Dr. Regnaert  
17 will continue the child on his health insurance?

18 THE COURT: Yes.

19 MR. MATISON: Ms. — and the defendant then  
20 will be responsible for the first two-fifty —

21 THE COURT: Yeah, you're right. I didn't  
22 include that —

23 MR. MATISON: — per year?

24 THE COURT: In fact, Ms. Regnaert will be  
25 entitled to the \$250 in medical expenses each year.

1 Dr. Regnaert will continue the child on his healthcare,  
2 and after that they'll divide unreimbursed medicals  
3 according to -

4 MR. MATISON: I think it's line 7 of the  
5 child support guidelines.

6 THE COURT: Yeah, but I'm not using them.  
7 Let me tell you what it would have been. I have my  
8 sheet here. It'll be 65/35. 65 percent to Dr.  
9 Regnaert, 35 percent to Ms. Regnaert.

10 MR. MATISON: Your Honor, as to the tax  
11 exemption for the child?

12 THE COURT: Well, the parties will alternate  
13 the tax exemption. Ms. Regnaert will have the child  
14 for 2016. Dr. Regnaert will have the child for 2017.  
15 They'll alternate each year thereafter.

16 MR. MATISON: Last, Your Honor, the parenting  
17 time that's reflected in P-7 I can make a part of this  
18 amended Final Judgment of Divorce. P-7, to refresh  
19 your recollection, was the mediated agreement.

20 THE COURT: Well, they alternated the  
21 mediated agreement. The testimony was they alternated  
22 the mediated agreement to be the one that I set out on  
23 the record.

24 MR. MATISON: Okay, fine.

25 THE COURT: That's the one that -

1 MR. MATISON: I'll pick - I'll go back to my  
2 notes or I'm sure I'll get the, I'll get the CD of it.

3 THE COURT: Yeah. Well, I'll tell you again  
4 as far as I know. It's essentially three-thirty -  
5 between three-thirty and four o'clock on Sunday to  
6 Monday at seven-thirty a.m., in which he returns the  
7 child to Ms. Regnaert -

8 MR. MATISON: Right.

9 THE COURT: - about five - around - and,  
10 again, these are around five-thirty on Tuesday to  
11 Wednesday morning where he - at seven-thirty, where he  
12 again returns the child to Ms. Regnaert. And around  
13 five-thirty on Friday to Saturday around three-thirty  
14 p.m.

15 MR. MATISON: I have it, Your Honor. And  
16 then, and then the -

17 THE COURT: And the court -

18 MR. MATISON: - and we're adopting the court  
19 holiday -

20 THE COURT: - holiday schedule will be  
21 adopted.

22 MR. MATISON: And vacation schedules.

23 THE COURT: Yes.

24 MR. MATISON: All right. So I'll include  
25 that as an exhibit to the amended -

1 THE COURT: Right.

2 MR. MATISON: - Final Judgment of Divorce. I  
3 understand.

4 Your Honor, according to my notes I have no  
5 other questions.

6 THE COURT: Ms. Regnaert, do you have any  
7 questions?

8 MS. REGNAERT: No. No, Your Honor.

9 THE COURT: All right. You'll get the  
10 amended Final Judgment. If either party wishes to  
11 appeal you have 45 days from really the date of my  
12 amended - well, 45 days from today would be safe - to  
13 appeal to the Appellate Division of the Superior Court.

14 With that I've signed the Final Judgment.  
15 We'll get copies for you. Just wait outside and you'll  
16 get this in a few minutes.

17 MR. MATISON: Thank you, Your Honor.

18 THE COURT: Thank you, everyone.

19 (Off the record)

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1 I, Cheryl A. Bryson (CB Trialscript Service),  
2 the assigned transcriber, do hereby certify the  
3 foregoing transcript of proceedings digitally recorded  
4 on December 9, 2016, Time Index 1:47:09 to 2:15:34 is  
5 prepared in full compliance with the current Transcript  
6 Format for Judicial Proceedings and is a true and  
7 accurate transcript of the proceedings as recorded.

*/s/ Cheryl A. Bryson*

Cheryl A. Bryson, C.E.T., AD/T  
Agent For: CB Trialscript Service  
1606 Adams Avenue  
Linwood, NJ 08221  
Phone/Fax: 609-653-1971  
Email: cabryson1427@aol.com

New Jersey AOC #202

January 29, 2017  
(Date)

	13:2	12:9,16	<b>appearance (1)</b> 3:8	14:23;17:25
<b>\$</b>	<b>\$400 (2)</b> 18:18,20	<b>addition (1)</b> 13:3	<b>Appellate (2)</b> 4:4;22:13	<b>basic (1)</b> 11:9
<b>\$1,000 (2)</b> 18:22,23	<b>\$5,260 (1)</b> 12:18	<b>additional (2)</b> 16:3,5	<b>appraiser (1)</b> 9:15	<b>basically (3)</b> 8:16;14:20;18:7
<b>\$1,050 (2)</b> 14:12,23	<b>\$5,553 (1)</b> 12:20	<b>address (3)</b> 8:6;11:1,3	<b>appropriate (1)</b> 16:22	<b>basics (1)</b> 4:6
<b>\$1,200 (1)</b> 18:10	<b>\$55,000 (3)</b> 13:14;14:11;19:13	<b>admission (1)</b> 10:5	<b>April (2)</b> 4:7;15:10	<b>basis (1)</b> 5:17
<b>\$1,400 (1)</b> 12:11	<b>\$6,614 (1)</b> 12:25	<b>adopted (1)</b> 21:21	<b>area (1)</b> 13:13	<b>becomes (1)</b> 17:22
<b>\$1,600 (2)</b> 17:23;18:21	<b>\$600 (4)</b> 12:14;13:5;18:22,23	<b>adopting (1)</b> 21:18	<b>argued (2)</b> 10:2;13:8	<b>bed (12)</b> 6:17,18,19,22,23;7:2, 3,5,9,13,18;8:1
<b>\$10,000 (2)</b> 14:3,7	<b>\$7,000 (1)</b> 11:19	<b>affect (1)</b> 17:13	<b>argues (1)</b> 10:9	<b>begin (1)</b> 13:8
<b>\$100,000 (1)</b> 9:17	<b>\$7,200 (1)</b> 11:18	<b>afternoon (3)</b> 3:5,9;6:13	<b>Armond (1)</b> 4:9	<b>behalf (1)</b> 3:10
<b>\$11,000- (1)</b> 14:14	<b>\$7,500 (1)</b> 13:4	<b>after-tax (1)</b> 14:22	<b>arose (1)</b> 5:9	<b>benchmark (1)</b> 19:6
<b>\$11,874 (1)</b> 12:22	<b>\$7,680 (1)</b> 14:20	<b>against (1)</b> 10:18	<b>around (8)</b> 6:8,9,20;11:16;21:9, 10,12,13	<b>benchmarking (2)</b> 19:12,12
<b>\$12,000 (1)</b> 14:15	<b>\$70,000 (2)</b> 9:23,25	<b>age (1)</b> 15:13	<b>asleep (1)</b> 6:25	<b>benchmarks (1)</b> 19:5
<b>\$123,000 (1)</b> 12:2	<b>\$8,000 (1)</b> 11:19	<b>agreed (1)</b> 8:4	<b>assertion (1)</b> 11:17	<b>best (1)</b> 4:16
<b>\$127,000 (1)</b> 12:2	<b>\$800 (3)</b> 18:13,14,19	<b>agreement (6)</b> 3:25;6:4;8:15;20:19, 21,22	<b>asset (3)</b> 9:12,13;10:15	<b>better (2)</b> 9:25;14:6
<b>\$157,000 (1)</b> 12:2	<b>\$81,000 (1)</b> 9:20	<b>alimony (6)</b> 11:2,6,6;17:17; 18:14,22	<b>assets (2)</b> 10:17;17:12	<b>beyond (1)</b> 8:10
<b>\$174,000 (1)</b> 9:19	<b>\$9,000 (1)</b> 14:8	<b>allocate (1)</b> 18:22	<b>assume (1)</b> 19:16	<b>bills (2)</b> 10:7,11
<b>\$183,520 (1)</b> 12:4	<b>\$923 (1)</b> 14:25	<b>almost (1)</b> 12:14	<b>Atlantic (1)</b> 5:8	<b>bonuses (1)</b> 11:22
<b>\$187,000 (2)</b> 11:18;18:17		<b>altered (1)</b> 6:4	<b>attempted (1)</b> 7:15	<b>born (2)</b> 4:9,9
<b>\$187,200 (1)</b> 12:5	<b>A</b>	<b>alternate (2)</b> 20:12,15	<b>ATTENDANT (1)</b> 3:3	<b>Both (3)</b> 15:14;16:23;17:16
<b>\$188,000 (1)</b> 11:18	<b>ability (4)</b> 11:10,11;13:6;15:4	<b>alternated (2)</b> 20:20,21	<b>audio (1)</b> 3:1	<b>break (1)</b> 18:10
<b>\$195,000 (1)</b> 11:21	<b>able (3)</b> 13:18,20,21	<b>although (6)</b> 8:17;14:3,8;16:8,13; 17:6	<b>available (5)</b> 12:22;13:1,2,5;17:14	<b>brother (1)</b> 8:9
<b>\$2,000 (3)</b> 12:24;13:1;14:6	<b>above (2)</b> 13:2,6	<b>always (2)</b> 7:3;9:10	<b>average (3)</b> 12:4,21;14:24	<b>Buena (1)</b> 9:14
<b>\$200,000 (4)</b> 9:10;19:8,10,11	<b>accept (3)</b> 7:12;9:5,24	<b>amended (6)</b> 3:19,21;20:18;21:25; 22:10,12	<b>averaging (1)</b> 12:1	<b>business (1)</b> 14:9
<b>\$205,000 (5)</b> 9:17;11:15,22;12:3; 19:7	<b>accepting (1)</b> 8:7	<b>Amicable (1)</b> 4:16	<b>award (4)</b> 17:17,19;18:15,18	<b>C</b>
<b>\$230 (1)</b> 18:16	<b>according (2)</b> 20:3;22:4	<b>amount (1)</b> 17:21	<b>awarding (2)</b> 18:14,18	<b>calculated (1)</b> 9:15
<b>\$233,000 (1)</b> 12:3	<b>account (3)</b> 15:23;16:18;17:24	<b>ample (2)</b> 10:4,25	<b>B</b>	<b>calculation (2)</b> 11:7,25
<b>\$250 (1)</b> 19:25	<b>accounts (1)</b> 8:25	<b>analysis (1)</b> 17:14	<b>back (6)</b> 12:10,24;13:22; 14:14;15:17;21:1	<b>call (1)</b> 8:9
<b>\$3,710 (1)</b> 14:24	<b>acquire (1)</b> 16:21	<b>anger (3)</b> 7:22,25;8:6	<b>balancing (1)</b> 10:14	<b>came (1)</b> 9:22
<b>\$35 (1)</b> 13:15	<b>action (2)</b> 5:9,12	<b>apparently (1)</b> 8:20	<b>bare-bones (1)</b> 15:2	<b>camps (1)</b> 14:17
<b>\$35,000 (2)</b> 10:20,24	<b>actual (3)</b> 7:13;9:23;11:10	<b>appeal (3)</b> 4:4;22:11,13	<b>based (6)</b> 5:12;7:24;8:1;12:23;	<b>capable (1)</b> 16:6
<b>\$360,000 (1)</b> 9:18	<b>actually (2)</b> 6:22;13:16			<b>capacities (1)</b> 15:25
<b>\$4,614 (1)</b>	<b>added (2)</b>			

<p><b>capacity (1)</b> 10:9</p> <p><b>car (1)</b> 12:11</p> <p><b>cards (1)</b> 12:15</p> <p><b>care (4)</b> 13:19,20;17:1,4</p> <p><b>careers (1)</b> 17:2</p> <p><b>Case (5)</b> 12:7,23;14:13;15:8; 18:17</p> <p><b>cash (1)</b> 10:22</p> <p><b>cause (2)</b> 5:9,12</p> <p><b>CD (1)</b> 21:2</p> <p><b>ceremony (1)</b> 4:8</p> <p><b>certain (3)</b> 7:15,17,21</p> <p><b>Certainly (3)</b> 15:16;16:2,6</p> <p><b>change (1)</b> 12:17</p> <p><b>charged (1)</b> 11:5</p> <p><b>Charles (1)</b> 3:10</p> <p><b>Chattanooga (1)</b> 4:8</p> <p><b>child (21)</b> 4:8;6:8,10;7:16,18; 13:19,20,21;16:14; 18:15,16,18,23;19:17; 20:1,5,11,13,14;21:7, 12</p> <p><b>childcare (2)</b> 13:23,24</p> <p><b>children (3)</b> 16:11;17:2,5</p> <p><b>circumstance (1)</b> 13:13</p> <p><b>circumstances (2)</b> 10:19;18:8</p> <p><b>civil (2)</b> 15:7,19</p> <p><b>clarification (1)</b> 19:3</p> <p><b>clearly (1)</b> 16:2</p> <p><b>clothing (1)</b> 14:18</p> <p><b>comparable (1)</b> 15:20</p> <p><b>complaint (3)</b> 5:7,11;15:10</p> <p><b>concepts (1)</b> 10:14</p> <p><b>concern (1)</b> 8:2</p>	<p><b>concludes (1)</b> 18:25</p> <p><b>confused (1)</b> 11:16</p> <p><b>consequences (1)</b> 17:16</p> <p><b>consider (1)</b> 19:16</p> <p><b>considerably (1)</b> 14:14</p> <p><b>consideration (1)</b> 17:11</p> <p><b>considered (1)</b> 13:15</p> <p><b>considering (3)</b> 11:5;17:19;18:6</p> <p><b>contained (1)</b> 5:25</p> <p><b>continue (2)</b> 19:17;20:1</p> <p><b>continuing (1)</b> 5:24</p> <p><b>contributions (2)</b> 16:25;17:1</p> <p><b>conversations (2)</b> 7:21;8:6</p> <p><b>copies (1)</b> 22:15</p> <p><b>copy (1)</b> 3:22</p> <p><b>costs (3)</b> 8:22;13:23,24</p> <p><b>counseling (2)</b> 8:5,11</p> <p><b>County (1)</b> 5:8</p> <p><b>course (1)</b> 5:22</p> <p><b>COURT (39)</b> 3:3,4,12;4:5,15,18, 21,24;5:20,25;6:13,14, 21;7:1,7,10;19:4,8,10, 14,18,21,24;20:6,12, 20,25;21:3,9,17,17,18, 20,23;22:1,6,9,13,18</p> <p><b>credible (1)</b> 8:10</p> <p><b>credit (2)</b> 12:15;18:12</p> <p><b>criteria (2)</b> 10:16;11:4</p> <p><b>current (5)</b> 5:20;6:4;9:8,18; 17:11</p> <p><b>currently (1)</b> 8:4</p> <p><b>custody (4)</b> 5:19,21,24;8:12</p>	<p><b>days (5)</b> 3:21;4:4;7:17;22:11, 12</p> <p><b>debt (1)</b> 12:14</p> <p><b>December (1)</b> 3:1</p> <p><b>decided (2)</b> 3:23;4:1</p> <p><b>decision (8)</b> 3:13,15;4:3,3,5; 11:25;12:17;17:25</p> <p><b>decisions (1)</b> 3:19</p> <p><b>deduct (1)</b> 12:22</p> <p><b>deductible (1)</b> 18:19</p> <p><b>defendant (8)</b> 5:2,10;6:8,10,16; 10:22;19:13,19</p> <p><b>defendant's (1)</b> 13:7</p> <p><b>definitively (1)</b> 11:21</p> <p><b>demeanor (1)</b> 7:25</p> <p><b>dental (2)</b> 13:10;16:4</p> <p><b>dentist (1)</b> 16:3</p> <p><b>designation (1)</b> 17:17</p> <p><b>determination (1)</b> 18:5</p> <p><b>difference (2)</b> 11:24;12:10</p> <p><b>differences (2)</b> 5:14,14</p> <p><b>differently (1)</b> 3:24</p> <p><b>difficult (1)</b> 11:3</p> <p><b>Digital (1)</b> 3:1</p> <p><b>direct (1)</b> 8:5</p> <p><b>directly (1)</b> 17:10</p> <p><b>disagree (2)</b> 4:2,3</p> <p><b>dissolving (1)</b> 5:16</p> <p><b>distributed (2)</b> 8:14;17:12</p> <p><b>distribution (3)</b> 8:13;10:17;17:9</p> <p><b>disturbing (1)</b> 8:7</p> <p><b>divide (2)</b> 12:20;20:2</p> <p><b>divided (1)</b> 12:12</p>	<p><b>Division (2)</b> 4:4;22:13</p> <p><b>divorce (8)</b> 3:13,17;4:15,25; 5:12,18;20:18;22:2</p> <p><b>divorced (1)</b> 3:20</p> <p><b>Doctor (3)</b> 7:2;11:13;18:8</p> <p><b>documents (1)</b> 7:15</p> <p><b>dog (1)</b> 14:2</p> <p><b>dollars (1)</b> 13:10</p> <p><b>down (2)</b> 10:4;18:10</p> <p><b>DR (32)</b> 4:13,16,20;5:22;6:5; 7:3,8,19,21;8:5,15,20, 23;9:2,7;10:2,8,19; 11:12,12,14;15:4;16:2, 12;17:22;18:8,19;19:6, 16;20:1,8,14</p> <p><b>duration (2)</b> 15:7;18:1</p>	<p><b>employer (1)</b> 12:25</p> <p><b>employment (2)</b> 13:18;16:22</p> <p><b>end (2)</b> 4:15,18</p> <p><b>ending (1)</b> 4:25</p> <p><b>enhanced (1)</b> 18:18</p> <p><b>enter (2)</b> 5:16;17:20</p> <p><b>entitled (3)</b> 10:3,19;19:25</p> <p><b>entitlement (1)</b> 15:21</p> <p><b>equitable (3)</b> 8:13;10:16;17:9</p> <p><b>equity (3)</b> 9:20;10:1,20</p> <p><b>essentially (2)</b> 15:11;21:4</p> <p><b>established (2)</b> 5:21;15:18</p> <p><b>even (2)</b> 12:9,16</p> <p><b>everyone (2)</b> 3:4;22:18</p> <p><b>evidence (9)</b> 7:17,20;9:14,16,21, 24,25;10:5;17:3</p> <p><b>evidenced (1)</b> 9:19</p> <p><b>excess (1)</b> 18:17</p> <p><b>exemption (2)</b> 20:11,13</p> <p><b>Exhibit (3)</b> 6:2,3;21:25</p> <p><b>expansions (1)</b> 10:7</p> <p><b>expense (1)</b> 16:20</p> <p><b>expenses (2)</b> 10:12;19:25</p> <p><b>explanation (1)</b> 8:8</p> <p><b>Explorer (1)</b> 8:19</p> <p><b>expressed (1)</b> 7:23</p> <p><b>extent (1)</b> 17:11</p>
			<b>E</b>	
				<p><b>earn (4)</b> 13:25;15:16,16; 16:19</p> <p><b>earned (2)</b> 9:6,8</p> <p><b>earning (3)</b> 9:11;10:9;15:25</p> <p><b>education (2)</b> 16:21;17:1</p> <p><b>educational (2)</b> 16:1;17:2</p> <p><b>Eight (1)</b> 16:20</p> <p><b>either (5)</b> 10:22;17:3,13,15; 22:10</p> <p><b>eleven (1)</b> 17:14</p> <p><b>eliminate (1)</b> 6:16</p> <p><b>else (1)</b> 7:25</p> <p><b>emotional (1)</b> 15:13</p> <p><b>emotionally (1)</b> 15:15</p> <p><b>employabilities (1)</b> 18:3</p> <p><b>employability (1)</b> 16:1</p> <p><b>employable (2)</b> 16:2;18:2</p> <p><b>employed (2)</b> 16:3,8</p>
				<b>F</b>
				<p><b>fact (3)</b> 9:5;14:7;19:24</p> <p><b>factor (5)</b> 11:6,10;16:10;17:19, 22</p> <p><b>factored (1)</b> 18:13</p>

<b>factors (5)</b> 11:4;17:24,25;18:4,6 <b>fair (2)</b> 7:14;14:1 <b>far (3)</b> 8:9;9:9;21:4 <b>February (2)</b> 5:20;17:23 <b>feel (2)</b> 10:15;13:17 <b>few (1)</b> 22:16 <b>figure (1)</b> 13:4 <b>filed (2)</b> 5:10;15:10 <b>filing (1)</b> 5:6 <b>Final (7)</b> 3:16,19,21;20:18; 22:2,10,14 <b>financial (2)</b> 16:24,25 <b>find (12)</b> 4:6;5:4,9,11;9:25; 10:18,25;13:12;14:1; 16:21;18:7,11 <b>finding (1)</b> 19:6 <b>fine (1)</b> 20:24 <b>first (10)</b> 4:11,14,15,21,25;5:1, 18;11:5,10;19:20 <b>five (8)</b> 10:22,23;12:1;15:25; 18:2,2,12;21:9 <b>five-thirty (4)</b> 6:9,11;21:10,13 <b>FM-01-354-16 (1)</b> 3:7 <b>follows (2)</b> 3:2;4:5 <b>Ford (1)</b> 8:19 <b>forever (1)</b> 9:8 <b>formula (1)</b> 11:8 <b>found (1)</b> 12:13 <b>four (3)</b> 6:6;18:1;21:5 <b>frankly (1)</b> 7:22 <b>Friday (2)</b> 6:11;21:13 <b>friends (1)</b> 4:17 <b>function (1)</b> 15:16 <b>funds (1)</b> 8:24	<b>G</b>  <b>gets (3)</b> 11:19,20,22 <b>given (2)</b> 8:16;17:4 <b>gives (1)</b> 10:25 <b>goes (2)</b> 6:17;7:18 <b>Good (2)</b> 3:5,9 <b>greater (1)</b> 15:21 <b>gross (3)</b> 11:17;14:7;18:9 <b>grounds (1)</b> 5:12 <b>guess (1)</b> 18:2 <b>guidelines (6)</b> 11:7;13:12;14:23; 18:15,16;20:5	8:17;10:24 <b>household (1)</b> 10:7 <b>hygienist (2)</b> 13:10;16:5	5:19;8:13;9:12,13; 11:1,2,3 <b>issues (2)</b> 5:18;8:12	20:4 <b>lite (2)</b> 17:21;18:13 <b>little (1)</b> 11:16 <b>lived (1)</b> 14:19 <b>livelihood (1)</b> 17:4 <b>living (4)</b> 15:18,21,22;18:2 <b>livings (1)</b> 15:17 <b>look (2)</b> 11:4;15:6 <b>looked (4)</b> 11:13;12:7;13:7; 18:6 <b>Looking (1)</b> 14:4 <b>loss (1)</b> 14:8 <b>lost (2)</b> 14:5,5 <b>low (1)</b> 13:15 <b>lower (1)</b> 11:24 <b>lullaby (1)</b> 6:24
		<b>H</b>  <b>half (1)</b> 12:12 <b>happen (1)</b> 3:14 <b>happens (1)</b> 16:7 <b>health (2)</b> 15:14;19:17 <b>healthcare (1)</b> 20:1 <b>healthy (1)</b> 15:15 <b>hear (2)</b> 6:17;17:15 <b>helpful (1)</b> 8:11 <b>hidden (1)</b> 9:4 <b>history (1)</b> 16:24 <b>holding (1)</b> 15:17 <b>holiday (4)</b> 6:13,14;21:19,20 <b>home (3)</b> 13:22;16:14,14 <b>Honor (9)</b> 3:9;19:2,15;20:10, 16;21:15;22:4,8,17 <b>hopefully (1)</b> 6:24 <b>hour (1)</b> 13:15 <b>hours (1)</b> 13:18 <b>house (2)</b>	<b>I</b>  <b>implicating (2)</b> 13:19,20 <b>improve (1)</b> 14:9 <b>improvements (2)</b> 10:8,11 <b>imputation (1)</b> 14:1 <b>impute (3)</b> 13:9,25;14:11 <b>imputed (1)</b> 14:11 <b>imputing (1)</b> 13:14 <b>include (2)</b> 19:22;21:24 <b>included (1)</b> 14:2 <b>including (2)</b> 12:25;17:1 <b>income (9)</b> 9:2;10:12;14:1,11, 24;17:11,13,14;19:13 <b>incorporated (1)</b> 6:14 <b>incurring (1)</b> 13:22 <b>Index (1)</b> 3:2 <b>indicated (1)</b> 5:23 <b>indirectly (1)</b> 17:10 <b>Information (4)</b> 12:7,23;13:7;14:13 <b>insurance (1)</b> 19:17 <b>interfere (1)</b> 16:16 <b>interruption (2)</b> 17:2,6 <b>into (5)</b> 7:20;15:23;16:18; 17:24;18:14 <b>introduce (1)</b> 7:15 <b>introduced (1)</b> 7:20 <b>investment (1)</b> 17:15 <b>investments (1)</b> 8:25 <b>irreconcilable (2)</b> 5:13,14 <b>issue (7)</b>	<b>J</b>  <b>Jersey (1)</b> 5:6 <b>job (1)</b> 16:7 <b>John (1)</b> 9:15 <b>joint (4)</b> 5:21,24;8:24;9:13 <b>Jonas (4)</b> 4:9;5:21;16:17;17:8 <b>Joshua (1)</b> 16:14 <b>Judgment (8)</b> 3:17,19,22;5:16; 20:18;22:2,10,14 <b>jurisdiction (1)</b> 5:10 <b>jurisdictional (1)</b> 5:4

<p><b>mathematical (1)</b> 11:8</p> <p><b>Matson (24)</b> 3:8,9,10,18,21;19:2, 5,9,11,15,19,23;20:4, 10,16,24;21:1,8,15,18, 22,24;22:2,17</p> <p><b>matter (1)</b> 18:25</p> <p><b>max (1)</b> 12:5</p> <p><b>meaningful (1)</b> 16:23</p> <p><b>mediated (4)</b> 6:3;20:19,21,22</p> <p><b>medical (1)</b> 19:25</p> <p><b>medicals (1)</b> 20:2</p> <p><b>met (2)</b> 5:5,8</p> <p><b>military (3)</b> 11:20;13:4,5</p> <p><b>minutes (1)</b> 22:16</p> <p><b>modest (1)</b> 14:19</p> <p><b>modification (1)</b> 7:24</p> <p><b>modified (2)</b> 12:8,15</p> <p><b>Monday (2)</b> 6:7;21:6</p> <p><b>money (8)</b> 9:3,5;10:5,6;13:25; 14:2,5,10</p> <p><b>month (5)</b> 12:18,21,22;13:1,2</p> <p><b>monthly (2)</b> 14:21,24</p> <p><b>months (2)</b> 5:15;18:12</p> <p><b>more (1)</b> 17:7</p> <p><b>morning (2)</b> 6:9;21:11</p> <p><b>mortgage (4)</b> 9:17,18,23;10:4</p> <p><b>mortgages (1)</b> 9:22</p> <p><b>most (2)</b> 10:10;11:3</p> <p><b>Mrs (1)</b> 7:19</p> <p><b>multiply (1)</b> 12:20</p>	<p><b>necessary (1)</b> 16:20</p> <p><b>need (10)</b> 10:15;11:11;12:22; 13:2,6;14:21;15:2,4; 18:1;19:2</p> <p><b>needs (6)</b> 11:9;14:25;16:3,5,9, 10</p> <p><b>neither (1)</b> 15:21</p> <p><b>net (2)</b> 12:19;14:22</p> <p><b>neutral (2)</b> 18:20,24</p> <p><b>New (1)</b> 5:5</p> <p><b>next (2)</b> 5:6;8:13</p> <p><b>night (1)</b> 7:8</p> <p><b>Nine (1)</b> 16:24</p> <p><b>non- (1)</b> 16:24</p> <p><b>non-taxable (1)</b> 17:18</p> <p><b>note (1)</b> 9:7</p> <p><b>notes (3)</b> 18:11;21:2;22:4</p> <p><b>November (1)</b> 15:10</p> <p><b>number (11)</b> 11:23,24;12:12,21; 13:17;14:20;15:2,6,25; 18:9;19:7</p> <p><b>numbers (6)</b> 11:16;12:2,8;14:22; 15:1,23</p>	<p><b>one (9)</b> 4:8,13,14,15;5:6; 10:15;18:1;20:22,25</p> <p><b>only (6)</b> 8:20;9:12,12;10:15; 11:20;16:6</p> <p><b>opportunities (1)</b> 17:3</p> <p><b>opportunity (1)</b> 4:2</p> <p><b>order (4)</b> 5:20,25,25;6:2</p> <p><b>otherwise (1)</b> 10:23</p> <p><b>out (9)</b> 9:22;10:6;11:18; 12:8;13:1;14:12;17:7, 10;20:22</p> <p><b>outside (1)</b> 22:15</p> <p><b>over (4)</b> 5:10;8:2;9:2;12:3</p> <p><b>overnights (1)</b> 6:16</p> <p><b>owes (1)</b> 12:14</p> <p><b>own (4)</b> 8:18,21;9:21;10:5</p> <p><b>owns (1)</b> 8:20</p>	<p>12:19;13:6;15:5</p> <p><b>paycheck (3)</b> 12:4,6,19</p> <p><b>paying (3)</b> 12:24;17:22;18:9</p> <p><b>payment (1)</b> 17:18</p> <p><b>payments (1)</b> 12:11</p> <p><b>payouts (1)</b> 17:10</p> <p><b>pendente (2)</b> 17:21;18:13</p> <p><b>per (1)</b> 19:23</p> <p><b>percent (3)</b> 10:20;20:8,9</p> <p><b>period (2)</b> 18:11,12</p> <p><b>Personal (3)</b> 8:14,16;17:2</p> <p><b>physical (1)</b> 15:13</p> <p><b>physically (1)</b> 15:15</p> <p><b>pick (1)</b> 21:1</p> <p><b>place (3)</b> 3:13;5:1;12:3</p> <p><b>plaintiff (9)</b> 3:10;4:25;5:5,8,11; 6:15;9:19;13:8;18:20</p> <p><b>please (1)</b> 3:8</p> <p><b>pled (1)</b> 5:13</p> <p><b>Plus (1)</b> 6:13</p> <p><b>pm (1)</b> 21:14</p> <p><b>possibly (1)</b> 16:19</p> <p><b>preceding (1)</b> 5:6</p> <p><b>prepare (2)</b> 3:18,21</p> <p><b>preparing (1)</b> 6:19</p> <p><b>primarily (2)</b> 10:12;17:25</p> <p><b>printing (1)</b> 6:1</p> <p><b>prior (1)</b> 5:3</p> <p><b>private (2)</b> 14:16,16</p> <p><b>probably (2)</b> 5:13;13:3</p> <p><b>problems (1)</b> 7:16</p> <p><b>proceedings (1)</b> 5:3</p> <p><b>proceeds (1)</b></p>	<p>10:25</p> <p><b>produce (2)</b> 17:13;18:15</p> <p><b>produced (1)</b> 14:20</p> <p><b>profession (1)</b> 16:9</p> <p><b>proof (1)</b> 9:3</p> <p><b>properly (1)</b> 15:16</p> <p><b>property (9)</b> 8:14,14,16;9:13; 10:3,8,8,11;17:10</p> <p><b>prospect (1)</b> 5:15</p> <p><b>proved (1)</b> 5:11</p> <p><b>provide (1)</b> 10:21</p> <p><b>provided (1)</b> 9:16</p> <p><b>purposes (2)</b> 19:5,12</p>
			<b>Q</b>	
				<p><b>quarter (1)</b> 7:4</p> <p><b>questionable (1)</b> 12:9</p> <p><b>questions (3)</b> 9:1;22:5,7</p> <p><b>quite (2)</b> 7:21;8:7</p>
				<b>R</b>
				<p><b>raised (1)</b> 9:1</p> <p><b>ran (1)</b> 14:22</p> <p><b>Randinella (1)</b> 9:15</p> <p><b>read (1)</b> 6:23</p> <p><b>reading (1)</b> 7:9</p> <p><b>ready (1)</b> 16:6</p> <p><b>real (3)</b> 9:12,13;12:12</p> <p><b>really (9)</b> 6:17;7:23;8:10,19; 12:3;16:10,15,16; 22:11</p> <p><b>reasonable (2)</b> 5:15;17:12</p> <p><b>reasonably (1)</b> 15:20</p> <p><b>receive (1)</b> 10:24</p> <p><b>recollection (1)</b></p>
<b>N</b>				
<p><b>Nature (1)</b> 17:21</p> <p><b>necessarily (2)</b> 13:12,22</p>	<p style="text-align: center;"><b>O</b></p> <p><b>objection (3)</b> 3:23;5:23;7:11</p> <p><b>occupation (1)</b> 16:10</p> <p><b>occupations (1)</b> 16:23</p> <p><b>o'clock (3)</b> 6:6;7:6;21:5</p> <p><b>October (1)</b> 3:14</p> <p><b>odd (1)</b> 18:16</p> <p><b>off (2)</b> 10:17;22:19</p> <p><b>offered (3)</b> 9:19,21;13:16</p> <p><b>older (1)</b> 16:14</p> <p><b>omitted (1)</b> 19:1</p>	<p style="text-align: center;"><b>P</b></p> <p><b>P-6 (1)</b> 6:2</p> <p><b>P-7 (3)</b> 6:4;20:17,18</p> <p><b>paid (7)</b> 10:10,11,12,21,23; 18:13,21</p> <p><b>Parental (2)</b> 16:11,13</p> <p><b>parenting (8)</b> 5:19;6:6;7:24;8:3, 12;16:12,16;20:16</p> <p><b>part (3)</b> 8:2;17:18;20:17</p> <p><b>part- (1)</b> 16:8</p> <p><b>particular (2)</b> 9:4;17:4</p> <p><b>parties (15)</b> 4:7;5:22;6:2,3;7:13; 8:4,15;11:9,11;15:14, 14;17:17;18:3,17; 20:12</p> <p><b>party (8)</b> 15:20,21;16:7,25; 17:3,13,15;22:10</p> <p><b>past (1)</b> 14:5</p> <p><b>pay (8)</b> 10:6,7;11:10,11,17;</p>		

<p>20:19 <b>reconciliation (1)</b> 5:16 <b>record (4)</b> 3:13;14:9;20:23; 22:19 <b>recording (1)</b> 3:1 <b>refinance (2)</b> 10:6,22 <b>reflected (1)</b> 20:17 <b>refresh (1)</b> 20:18 <b>regard (2)</b> 4:6;5:3 <b>Regnaert (61)</b> 3:6,6,11,23;4:9,12, 13,16,19,20,21,23; 5:22,23;6:5,18,19,23; 7:3,8,15,19,19,21;8:5, 15,19,20,23;9:1,8,21; 10:2,2,9,19;11:12,12, 14;13:14;16:2,4,8,12, 17;17:6;18:8,11,19; 19:6,16,24;20:1,9,9,13, 14;21:7,12;22:6,8 <b>Regnaert's (4)</b> 7:11;9:2;15:4;17:22 <b>related (1)</b> 7:18 <b>relatively (1)</b> 15:15 <b>relevant (1)</b> 16:22 <b>religious (1)</b> 4:7 <b>rely (1)</b> 11:8 <b>represents (1)</b> 12:5 <b>request (1)</b> 7:23 <b>requested (1)</b> 5:23 <b>requesting (1)</b> 8:1 <b>requirements (2)</b> 5:4,7 <b>residing (2)</b> 5:5,8 <b>resolves (1)</b> 8:12 <b>responsibilities (2)</b> 16:11,13 <b>responsible (2)</b> 8:22;19:20 <b>restaurants (1)</b> 14:18 <b>retain (1)</b> 8:18 <b>retirement (1)</b> 8:24</p>	<p><b>returns (6)</b> 6:8,10;9:7;14:4;21:6, 12 <b>right (14)</b> 3:4,6,12;7:7,10,10; 8:16,17;16:12;19:21; 21:8,24;22:1,9 <b>rise (1)</b> 3:3 <b>Road (1)</b> 9:14 <b>round (1)</b> 15:1 <b>run (1)</b> 18:5</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>safe (1)</b> 22:12 <b>Saturday (2)</b> 6:12;21:13 <b>schedule (9)</b> 6:1,5,11,14,15; 11:14;16:12,18;21:20 <b>scheduled (1)</b> 11:14 <b>schedules (2)</b> 6:13;21:22 <b>school (5)</b> 7:16;13:21,22;14:16, 17 <b>seated (1)</b> 3:4 <b>second (2)</b> 4:13,24 <b>seeking (1)</b> 16:7 <b>seem (2)</b> 15:14;17:5 <b>send (2)</b> 3:22,24 <b>service (1)</b> 12:14 <b>set (1)</b> 20:22 <b>seven (4)</b> 6:23;7:4,6;16:17 <b>seven-thirty (4)</b> 6:7,9;21:6,11 <b>sheet (1)</b> 20:8 <b>showed (1)</b> 14:7 <b>showing (1)</b> 7:16 <b>signed (1)</b> 22:14 <b>significantly (1)</b> 17:7 <b>similar (2)</b> 6:11;7:14 <b>six (1)</b></p>	<p>5:15 <b>six-thirty (2)</b> 6:20,21 <b>skills (1)</b> 16:1 <b>sold (1)</b> 10:24 <b>somehow (2)</b> 7:11;8:8 <b>sorry (2)</b> 15:12;19:9 <b>sort (3)</b> 7:14;11:15;15:3 <b>spent (2)</b> 9:3,6 <b>standard (4)</b> 15:18,20,22;18:2 <b>stands (1)</b> 15:3 <b>start (2)</b> 6:19;11:12 <b>state (1)</b> 5:5 <b>Statement (3)</b> 12:7,23;14:13 <b>statements (1)</b> 9:24 <b>statutory (2)</b> 10:16;11:4 <b>stays (1)</b> 7:11 <b>still (2)</b> 13:2,21 <b>stocks (1)</b> 9:1 <b>story (1)</b> 6:24 <b>strictly (1)</b> 11:8 <b>substantial (1)</b> 13:6 <b>Substantially (1)</b> 4:20 <b>subtract (1)</b> 14:25 <b>sufficient (1)</b> 16:21 <b>sum (1)</b> 12:8 <b>Sunday (2)</b> 6:7;21:5 <b>Superior (2)</b> 4:5;22:13 <b>support (8)</b> 13:6;17:21;18:13,15, 16,18,23;20:5 <b>sure (3)</b> 4:11;11:23;21:2</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>talking (1)</b> 8:8</p>	<p><b>tax (8)</b> 9:7;14:4;17:16; 18:19,20,24;20:10,13 <b>taxable (2)</b> 18:20,23 <b>ten (3)</b> 3:20;17:9;18:12 <b>Tennessee (1)</b> 4:8 <b>terms (3)</b> 7:22;15:4;18:21 <b>testimony (12)</b> 6:17;7:12,12;8:20, 23;9:19;11:14,19,21; 14:4,18;20:21 <b>theoretically (1)</b> 13:11 <b>thereafter (1)</b> 20:15 <b>thought (1)</b> 12:9 <b>thousand (2)</b> 13:9,9 <b>three-thirty (5)</b> 6:6,12;21:4,5,13 <b>today (4)</b> 3:16,20,20;22:12 <b>Todd (1)</b> 3:10 <b>together (1)</b> 7:5 <b>took (1)</b> 5:1 <b>Township (1)</b> 9:14 <b>track (1)</b> 14:9 <b>trade (1)</b> 10:17 <b>training (4)</b> 14:2;16:4,5,21 <b>trans-continental (1)</b> 8:9 <b>transcripts (1)</b> 7:20 <b>treatment (1)</b> 17:16 <b>Treehouse (1)</b> 7:9 <b>trial (2)</b> 5:22;7:13 <b>tried (1)</b> 3:14 <b>trimmed (1)</b> 14:14 <b>troublesome (1)</b> 7:22 <b>true (3)</b> 9:5;13:11,12 <b>trying (2)</b> 7:5;14:8 <b>Tuesday (2)</b> 6:8;21:10</p>	<p><b>two (7)</b> 5:21;11:17;12:19,20; 14:4;15:6;18:1 <b>two-fifty (1)</b> 19:20</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>ultimately (1)</b> 15:23 <b>under (6)</b> 6:3;10:18;11:5; 13:11,13;18:8 <b>undergo (1)</b> 8:5 <b>unfair (1)</b> 14:10 <b>union (2)</b> 15:7,19 <b>unknown (1)</b> 13:24 <b>unreasonable (1)</b> 12:13 <b>unrefuted (2)</b> 8:23;10:13 <b>unreimbursed (1)</b> 20:2 <b>up (4)</b> 7:5,11;8:16;17:4 <b>upon (2)</b> 7:24;8:1 <b>use (3)</b> 11:23,23;13:17 <b>used (3)</b> 10:5,7;11:15 <b>using (3)</b> 9:23;11:25;20:6 <b>usual (1)</b> 11:3 <b>usually (1)</b> 7:4</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>vacation (2)</b> 14:17;21:22 <b>value (3)</b> 9:16,18,23 <b>values (1)</b> 9:22 <b>variation (1)</b> 6:3 <b>vary (1)</b> 12:2 <b>vehicles (2)</b> 8:18,21 <b>venue (1)</b> 5:7 <b>Vine (1)</b> 9:13 <b>Vista (1)</b> 9:14 <b>vocational (1)</b></p>
---	---	---	--	---

16:1	4:10		
<b>W</b>	<b>18th (1)</b> 3:14	<b>8</b>	
<b>wage (1)</b> 13:15	<b>2</b>	<b>80-some (1)</b> 13:9	
<b>wait (1)</b> 22:15	<b>2007 (2)</b> 4:7;15:10	<b>8-1/2 (3)</b> 15:8,11,12	
<b>warm (1)</b> 7:5	<b>2009 (1)</b> 4:10	<b>8-1/2-year (1)</b> 15:11	
<b>way (3)</b> 6:2;9:4,4	<b>2012 (1)</b> 12:1	<b>9</b>	
<b>Wednesday (2)</b> 6:9;21:11	<b>2015 (1)</b> 15:11	<b>9 (2)</b> 3:1;15:10	
<b>week (8)</b> 13:16,18,23;14:12, 23,24;17:23;18:10	<b>2016 (4)</b> 5:20;12:1;17:23; 20:14	<b>90/80-some (1)</b> 13:9	
<b>weeks (3)</b> 11:17;12:19,21	<b>2017 (2)</b> 3:1;20:14		
<b>What's (1)</b> 3:14	<b>2816 (1)</b> 9:13		
<b>whatsoever (1)</b> 14:10	<b>2A34-23 (1)</b> 11:5		
<b>wishes (2)</b> 6:15;22:10	<b>3</b>		
<b>Within (3)</b> 3:20;10:22,23	<b>30 (1)</b> 13:18		
<b>without (7)</b> 12:24,25;13:19,19, 22;14:19;17:5	<b>30-hour (1)</b> 13:16		
<b>work (4)</b> 3:25;7:5;13:20; 16:18	<b>35 (1)</b> 20:9		
<b>working (1)</b> 16:6	<b>4</b>		
<b>workplace (1)</b> 17:7	<b>4.3 (1)</b> 12:20		
<b>writing (1)</b> 3:24	<b>40-hour (1)</b> 13:23		
<b>Y</b>	<b>45 (3)</b> 4:3;22:11,12		
<b>year (11)</b> 5:6;11:15,20;13:14; 14:5,6,7;15:11;19:23, 25;20:15	<b>5</b>		
<b>years (9)</b> 9:2,9;10:22,23;12:1; 14:5;15:9,12;18:12	<b>50 (1)</b> 10:19		
<b>young (1)</b> 15:15	<b>6</b>		
<b>1</b>	<b>6 (2)</b> 4:7;15:10		
<b>1:47:09 (1)</b> 3:2	<b>65 (1)</b> 20:8		
<b>10 (1)</b> 5:20	<b>65/35 (1)</b> 20:8		
<b>10th (1)</b> 17:23	<b>7</b>		
<b>16 (1)</b> 16:15	<b>7 (1)</b> 20:4		
<b>18 (1)</b>	<b>7:04 (1)</b> 7:8		