

33

IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO. :

12 - 09774

IN RE: The Marriage of

EVELYN LOZADA,

Petitioner/Wife,

and

CHAD JOHNSON,

Respondent/Husband.



97

WIFE'S PETITION FOR DISSOLUTION OF MARRIAGE

The Petition of EVELYN LOZADA shows:

1. The Wife and Husband are both residents of the State of Florida, and have been so for more than six (6) months last, past and preceding the filing of this Petition.
2. The parties were duly married to each other on July 4, 2012.
3. The marriage between the parties is irretrievably broken.
4. There have been no children born of this marriage and none are expected.
5. The Wife and Husband are over the age of eighteen (18) years and are not in the military service of the United States or of any other country and are in all respects *sui juris*.
6. The parties each have separate, non-marital assets and liabilities which should be set aside by the Court as the respective property of each party. The

Wife has certain tangible property, personal property, and belongings in the residence of the Husband which she should be permitted to immediately retrieve.

7. The Wife and Husband executed a Prenuptial Agreement prior to their marriage which should be deemed valid and enforceable. Any and all property issues should be resolved in accordance with the terms of the Prenuptial Agreement.

8. The Wife and Husband executed a Prenuptial Agreement prior to their marriage which should be deemed valid and enforceable. Any and all support issues should be resolved in accordance with the terms of the Prenuptial Agreement.

9. The Wife has retained the professional legal services of Kopelowitz Ostrow, P.A. to represent her in connection with this action. Despite the parties' entry into a Prenuptial Agreement, and in accordance with Florida law, the Husband should be responsible for the Wife's reasonable attorney's fees, suit monies and costs in accordance with Fla. Stat. § 61.16. Moreover, the Court should consider the extent to which the conduct of each party furthers or frustrates the public policy of this State to promote the settlement of litigation, and where possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys.

WHEREFORE, the Petitioner/Wife, EVELYN LOZADA, being without recourse save in this Court of Equity, respectfully prays that this Honorable Court will:

- A. Assume jurisdiction of the parties hereto and the subject matter hereof;
- B. Upon Final Hearing in this cause, dissolve the marriage *a vinculo matrimonii*;

C. Upon Final Hearing in this cause, set aside all non-marital property as the separate property of the respective parties;

D. Upon Final Hearing in this cause, determine the division of all marital assets and liabilities in accordance with the terms of the parties' Prenuptial Agreement;

E. Upon Final Hearing in this cause, determine any support issues in accordance with the terms of the parties' Prenuptial Agreement; and

F. Upon Final Hearing in this cause, determine the parties' obligation for attorneys' fees, suit money and costs, after considering Florida law and the extent to which the conduct of each party and their respective attorneys furthers or frustrates the public policy of this State to promote the settlement of litigation, and where possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys, and after also considering to what extent the conduct or expectations of either party generates unnecessary, recalcitrant, vexatious or fruitless litigation.

DATED this 14th day of August, 2012.

KOPELOWITZ OSTROW, P.A.

By: _____

MICHAEL B. GILDEN
FLA.BAR.NO.0569801