

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: THE MARRIAGE OF

CASE NO: 501971DR004137XXDIFD

WILLIAM A. CABANA,
Petitioner/Former Husband,

FAMILY DIVISION

and

SHARON ANN MAYO f/k/a
SHARON ANN CABANA
Respondent/Former Wife.

**ORDER ADJUDICATING FORMER HUSBAND IN CONTEMPT AND
CONTAINING JUDGMENT**

THIS CAUSE was presented before the Court upon the Former Wife's Amended Motion For Contempt on January 5, 2006 and January 6, 2006. The Former Wife, Sharon Mayo was present and testified, and was represented by Cathy L. Kamber, Esq., who also testified. The Former Husband, William A. Cabana, was present without counsel, and testified.

The Court finds as follows:

1. The Former Husband is in arrears in the payment of child support and alimony in the amount of Eighty Seven Thousand Six Hundred Sixty and 92/100 (\$87,660.92), including interest, through March 31, 2004, which sum shall bear interest at the statutory rate.
2. The Former Husband has the ability to comply with the previous judgments and orders of this Court and has wilfully refused and failed to do so and has failed to present a valid cause for the delinquency; thus, through the Former Husband's own fault and neglect,

had frustrated the purpose and intent of the Court Orders. Garro v. Garro, 347 So.2d 418 (Fla. 1977); Faircloth v. Faircloth, 339 So.2d 650 (Fla. 1976).

3. Notwithstanding the Former Husband's egregious misrepresentations as to his lack of income and assets, the Court finds that Former Husband has had income and the ability to remit the Court ordered payments.

4. The Court further finds that the Former Husband has the present financial ability to make the purge payments required in the decretal portion of this Order. Bowen v. Bowen, 471 So.2d 1274 (Fla. 1985). The Court finds that Former Husband has, at a minimum, the present ability to pay \$7,500.00; indeed, it appears that he may have a much greater ability. The Former Husband has accounts with funds in his name, or transferred to the names of his relatives, at SouthTrust Securities, U. S. Bank, PayPal, Colonial Bank, and SouthTrust Bank. The Former Husband has been deceitful in his disclosure of assets and income.

It is thereupon ORDERED that:

1. The Former Husband is in contempt for failure to pay in compliance with the Court's orders and shall be taken into custody and confined in the Palm Beach County Jail until he purges himself of the contempt; provided, however, the Former Husband may purge the contempt by making the following payments:

(A) Paying the sum of Seven Thousand (\$7,500) Dollars instanter. A separate

Order of Commitment shall be entered contemporaneously herewith.

(B) The sum of Two Hundred Fifty (\$250.00) Dollars per month as a periodic contempt purge payment to satisfy the balance. The first payment shall commence on February 1, 2006, and continue on the first (1st) day of each and every month thereafter until the full amount has been satisfied, together with accumulated interest

2. If the Former Husband failed to pay the above monies, the Former Wife, shall file a Motion for Commitment and the matter will be set for commitment hearing with notice to the Former Husband by regular U.S. Mail.

3. The initial purge payment of \$7,500.00 shall be paid directly to the Former Wife, Sharon Mayo, in accordance with the Order of Commitment entered contemporaneously herewith. All subsequent monthly payments shall be made in the following manner:

a. The payments shall be paid to the State of Florida Disbursement Unit, P.O. Box 8500, Tallahassee, Florida 32314-8500 together with any applicable service charge, which is currently 4% per payment with a minimum of \$1.25 to a maximum of \$5.25 per payment. The service charge may change from time to time as determined by the Clerk of the Circuit Court.

- b. All payments shall include the obligors's social security number, name, current address and case number.
- c. The Former Husband is ordered to immediately advise the Clerk of the Circuit Court of any changes in his Financial Affidavit which have heretofore been filed with the Court.
4. The Court shall enter a separate order on Former Wife's request for attorneys fees and costs.
5. The Former Wife, Sharon Mayo, is awarded a judgment and recovers from Former Husband, WILLIAM A. CABANA, Social Security Number 261-54-4143, the sum of Eighty Seven Thousand Six Hundred Sixty and 92/100 (\$87,660.92), including interest, through March 31, 2004, which sum shall bear interest from April 1, 2004 at the statutory rate (2004 and 2005 at 7%, 2006 at 9%), for which let execution issue.
6. Jurisdiction of this cause and of the parties is hereby retained for the purpose to entering such further orders as to this Court may deem necessary.

DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida, this _____ day of January, 2006.

CIRCUIT COURT JUDGE

Cathy L. Kamber, Esq., 1675 Palm Beach Lakes Blvd., Suite 700, West Palm Beach, FL 33401
William A. Cabana, 1050 Capri Isles Blvd., #F105, Venice, FL 34292