

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN
AND FOR PALM BEACH COUNTY,
FLORIDA
Family Division
Case No. 501971DR004137XXDIFD

In Re Marriage of
WILLIAM A. CABANA
Petitioner, Former Husband, *pro se*

and

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

Former Husband's Motion For Rehearing

COMES NOW WILLIAM A. CABANA, *pro se*, pursuant to F. R. Civ. P Rule 1.530 respectfully moves the Court vacate its orders of January 6, 2006 and February 16, 2006 by the Honorable Martin Colin and to grant a rehearing on the basis that there is an error in the calculation of the attorney fee amount, an error in amount of attorney fees awarded and an error in determining need and ability of Former Husband to pay a purge and attorney fees.

In support he offers:

1. This Court has granted opposing counsel an hourly rate of \$300.00, which is in excess of the normal \$275.00 rate charged to Former Wife by opposing counsel.
2. This Court in basing its calculation of attorney fees on \$300.00 per hour has erred in the amount of attorney fees owing.
3. This Court has based its determination of Former Husband's ability to pay on a misrepresentation of evidence supplied by opposing counsel. No specific bank accounts

nor current balances were positively identified by opposing counsel to show that Former Husband had a present ability to pay as required for Civil Contempt proceedings.

4. The Former Wife has the far superior ability to pay attorney fees. She has not demonstrated a need for fees. She is in a far better position to pay her own fees as the Former Husband cannot afford an attorney, has income below the poverty level and contrary to the "appearance" of evidence provided at trial, the "fact" of evidence is that the court record fails to show specific assets to which the husband has access to pay the fees, because the fact is he does not have assets or access to assets as misrepresented by opposing counsel at trial.

WHEREFORE WILLIAM A. CABANA prays that the Court take jurisdiction over this matter and enter such orders as are appropriate to expedite consideration of this motion as follows:

1. Vacate the Court Orders of January 6, 2006 and February 16, 2006 and enter a new order reflecting the lack of Former Husband's present ability to pay for contempt purges or attorney's fees.
2. In regard to Ms. Mayo's request for attorney's fees in these proceedings, Former Husband would like to make reference to *Rubin v. Rubin*, 204 Conn. 224, 527 A.2d 1184 (1987). In order to do so, he would need to have the ability to pay. He does not have the ability to pay. Therefore, he submits that her request be denied.
3. Awarding Former Husband all costs pursuant to Fla. Sta. §86.011, §57.041, §57.105 and other applicable law for the defense of this motion.
4. For such and other relief that may be proper.

Respectfully submitted,



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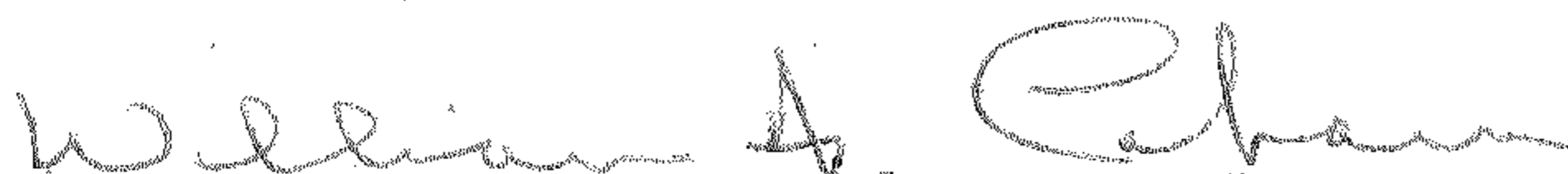
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February 27, 2006

Certificate of Service

I certify that a copy of this Motion for Rehearing was mailed to Cathy L. Kamber, P.A.,
Attorneys for former wife., 1675 Palm Beach Lakes Boulevard, The Forum, Tower A, Suite 700,
West Palm Beach, FL 33401 this 27th day of February, 2006



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