



Oakland County Friend of the Court

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March 28, 1995

The Honorable John J. McDonald
Oakland County Circuit Court Judge
Oakland County Court House
1200 N. Telegraph Rd., Dept. 404
Pontiac, MI 48341-0404

RE: DEERING, PAUL H. VS LAURA P.
CASE NO: 92-435044-DM

Dear Judge McDonald:

In this case, a settlement was placed on the record on November 12, 1993. The attorneys finally appeared before the Court again on January 26, 1994 for the entry of a Judgment of Divorce. A recommendation was given to the Court at that time setting support for the two minor children at \$69.00 per week effective November 15, 1993. The two children are: Emily F., age 6, born March 29, 1988 and Audrey age 5, born October 23, 1989. The Defendant, Ms. Deering has the physical custody. The order dated February 24, 1994 stated that the amount set was "without prejudice to either party".

Pursuant to the Court Order of January 26, 1994, a hearing was set for January 26, 1994. The only party appearing at that time was the Plaintiff.

Over the next several months, we had several conferences with Mr. Deering and Edward R. Greenup attorney for the Defendant.

In the year of 1993 it was determined that Mrs. Deering had gross income of \$27,726.23 or a gross per week of \$533.19. She had additional income from bonds of \$1.96 per week. She verified child care of \$135.92 average per week in 1993. In the early part of 1995 she stated her child care for 1994 was \$5,000.00 or an average of \$96.15 each week. In 1994 she had gross earnings of \$3,500.00 or \$673.00 gross each week. The average day care is now \$138.00 each week.

Mr. Deering is a 40 year old young man. He does not have a college degree. He was a mortgage loan officer at Citicorp in 1985 and earned over \$29,000.00. He was also a machinist, a stock broker, a real estate salesman, an insurance salesman a real estate appraiser and a financial analyst. His licenses include: stock broker, real estate agent and insurance agent.

PLEASE USE YOUR CASE NUMBER AS SHOWN ABOVE ON ALL OFFICE CONTACTS

There are two sources of tax returns submitted by Mr. Deering, (1) U.S. Corp returns for August Financial LTD for the years 1992 and 1993 and (2) 1991 through 1993 personal returns.

In 1991 Mr. Deering claimed adjusted gross income of \$41,928.00; \$28,610.00 from W2 earnings; \$2,197.00 dividend income, \$5,130.00 from a Schedule C - Gun Drilling and \$6,072.00 from unemployment.

In 1992 Mr. Deering claimed an adjusted gross income of \$18,066.00, only \$1,011.00 from W2 earnings and \$18,282.00 from the Gun Drilling business.

In 1993 his adjusted gross income was \$281.00; \$3,800.00 in W2 earnings and a minus \$3,579.00 for the Gun Drilling business.

In 1994 Mr. Deering claims no sources of income except for "financial aid". From this he alleges to be paying his college tuition, rent, car and all other necessary items for day to day living.

The two corporate tax returns are for the years 1992 and 1993. They relate to a business known as "August Financial LTD". Mr. Deering is an 80% owner of the stock and Ms. Deering a 20% owner. In 1991 there was taxable income of \$5,023.00 and in 1992 \$4,732.00. I can not see where information was submitted as to the corporation for the year 1994.

Mr. Deering, through his counsel Mr. Doran, stated on the record on November 12, 1993, that "we have run the figures in my office on a computer program that is supplied by the State and if the numbers come back in accordance with what ... with what those numbers are, my client has no problem paying that amount, which came to approximately \$130.00 (pages 4 and 5 of November 12, 1993 transcript of court).


Since that date Mr. Deering has filed for Chapter 7 Bankruptcy on November 4, 1994; has been to court on several Show Cause Hearings for non-payment of support; has claimed his only source of income is financial aid and has overall done nothing to aid his ex-wife in the raising of the two children.

I find that Mr. Deering has had considerable prior employment experience, although he does not yet have a college degree; that he has special skills and training in several areas. There is no evidence of any physical or mental disabilities that would prevent him from full-time employment. The argument he makes is that he is in school and lives on financial aid.

I also find that Mr. Deering has unexercised ability to earn in the sum of \$28,610.00 per year - the amount of his W2 income in 1991. See Olson vs Olson, 189 Mich. App. 620 (1991)

RECOMMENDATION

I would recommend support be set, pursuant to the attached Guideline, at \$172.01 each week (which includes \$53.01 child care) effective November 15, 1993; that uninsured medical be divided by Plaintiff paying 45% and Defendant 55%


DAVID A. BERTUCCI, REFEREE

DAB/smk

c: Paul H. Deering
Laura P. Deering

C S E S CHILD SUPPORT REPORT

Page: 1

Date: 3/27/95

Case Number: 435044D

Investigator: DAB

Plaintiff: PAUL DEERING

vs.

Defendant: LAURA P DEERING

Number of Children: 2

Custody Arrangement: Defendant Sole Custody

Tax Exemptions:	Plaintiff	Defendant
	1	3

Plaintiff Tax Status: Single

Defendant Tax Status: Single

SUMMARY:

Plaintiff:	Weekly Gross Income:	\$ 550.00	
	Weekly Deductions:	138.19	
	Weekly Adjustments:	0.00	
	Weekly Adjusted Net Income:	411.81	44.5% Share of Family Income
Defendant:	Weekly Gross Income:	\$ 673.00	
	Weekly Deductions:	158.67	
	Weekly Adjustments:	0.00	
	Weekly Adjusted Net Income:	514.33	55.5% Share of Family Income

CHILD SUPPORT:

Plaintiff Obligation	Child Support	Child Care	Social Security	NonCustodial Contribution	Custodial Contribution
Two Children:	119.00	53.01	0.00	172.01	148.33
One Child:	77.00	53.01	0.00	130.01	95.98