

Alimony Fact Scenario

The Magnolias were married for 20 years before they separated fourteen months ago. Wilma is 45 years old and Henry is 49. Both parties are in good health. They have two children, ages 13 and 15. Wilma has primary physical custody based on a consent order. Wilma lives in the marital residence with the children. Henry lives with his girlfriend who is employed. Worksheet A of the Child Support Guidelines was used to set permanent child support and it has been ordered at \$1,275 per month. A PSS order was entered by consent twelve months ago. It required only that Henry pay the mortgage payment for the marital home. During the marriage, the Magnolias enjoyed a comfortable middle class lifestyle. Most summers they were able to take vacation at the beach or in the mountains.

Wilma has an undergraduate degree. She worked full time from when the parties were married until the second child was born. When the second child was born she did not work for about six years, then began working part time when the children were in elementary school. She just started working full time three months ago. She currently earns \$48,000 per year. Her monthly gross is \$4,000 and monthly net is \$3,150.

Henry has an undergraduate degree. He has worked throughout the marriage. He works as a manager for a local business. He makes \$100,000 per year. His monthly gross is \$8,333 and monthly net is \$6,083.

The ED judgment has been entered and Wilma was awarded the marital home, the mortgage on the home, a van, and her retirement account. Henry received his retirement account (valued much higher than Wilma's), a car that is much newer and more valuable than the van. The parties each have household furnishings from the ED.

Information from the parties' Financial Affidavits is attached. You have already decided that the needs and expenses as listed in the Financial Affidavits are reasonable. Worksheet A that was used to set child support is also attached.

Would you award alimony to Wilma? If so, how much and for how long?

How would you articulate the reasons for your decision?

	Wife	Husband
Shared Family Expenses		
House payment (including taxes and insurance)	\$ 1,700.00	\$ 1,550.00
Electricity	\$ 150.00	\$ 100.00
Heat	\$ 80.00	\$ 75.00
Water	\$ 65.00	\$ 75.00
Cable TV	\$ 135.00	\$ 175.00
Telephone	\$ 125.00	\$ 100.00
Home food and supplies	\$ 700.00	\$ 550.00
House and yard maintenance	\$ 125.00	\$ 150.00
Car payment	\$ 300.00	\$ 500.00
Gasoline	\$ 200.00	\$ 150.00
Internet	\$ 60.00	\$ 60.00
Security	\$ -	\$ 17.00
Total Shared Family Expenses	\$ 3,640.00	\$ 3,502.00
Individual Expenses of Spouse		
Religious and Charitable Contributions	\$ 150.00	\$ 25.00
School/Work lunches	\$ 100.00	\$ 150.00
Medical/Dental/Vision Insurance*	\$ 250.00	\$ 450.00
Uninsured medical/dental	\$ 60.00	\$ 75.00
Clothing	\$ 200.00	\$ 150.00
Grooming	\$ 90.00	\$ 25.00
Laundry/Dry Cleaning	\$ 50.00	\$ 100.00
Entertainment/Recreation/Activities	\$ 75.00	\$ 100.00
Meals out	\$ 150.00	\$ 200.00
Christmas Gifts (prorated)	\$ 150.00	\$ 100.00
Birthday Gifts	\$ 75.00	\$ 50.00
Subscriptions	\$ 20.00	\$ -
Life Insurance	\$ 27.00	\$ 68.00
Car insurance	\$ 85.00	\$ 120.00
Car (maintenance/repair/regis/tax)	\$ 175.00	\$ 100.00
Vacations	\$ 250.00	\$ 250.00
Total Individual Expenses of Spouse	\$ 1,907.00	\$ 1,963.00

*Husband's \$450 includes \$250 as cost for the children

STATE OF NORTH CAROLINA

_____ County

File No.	IV-D Case No.
Case No. (Code)	UIFSA Case No.

In The General Court Of Justice
 District Superior Court Division

Civil: Plaintiff Wilma Magnolia
 Criminal: STATE

**WORKSHEET A
CHILD SUPPORT OBLIGATION
PRIMARY CUSTODY**

VERSUS
Name Of Defendant
Henry Magnolia

G.S. 50-13.4(c)

Children	Date Of Birth	Children	Date Of Birth	
1				
2				
		Plaintiff	Defendant	Combined
1. MONTHLY GROSS INCOME		\$ 4,000.00	\$ 8,333.00	
a. Minus pre-existing child support payment		-	-	
b. Minus responsibility for other children		-	-	
2. MONTHLY ADJUSTED GROSS INCOME		\$ 4,000.00	\$ 8,333.00	\$ 12,333.00
3. PERCENTAGE SHARE OF INCOME (line 2 for each parent's income, divided by Combined income)		32.43 %	67.57 %	
4. BASIC CHILD SUPPORT OBLIGATION (apply line 2 Combined to the Schedule of Basic Support Obligations—see AOC-A-162, Rev. 1/15)				\$ 2,007.30
5. ADJUSTMENTS (expenses paid directly by each parent)				
a. Work-related child care costs		\$	\$	
b. Health Insurance premium costs - child's/children's portion only (total premium ÷ # of persons covered × # of children subject to order = children's portion)		\$	\$ 250.00	
c. Extraordinary expenses		\$	\$	
d. Total Adjustments (for each column, add 5a, 5b, and 5c. Add two totals for Combined amount)		\$	\$ 250.00	\$ 250.00
6. TOTAL CHILD SUPPORT OBLIGATION (add line 4 Combined to line 5d Combined)				\$ 2,257.30
7. EACH PARENT'S CHILD SUPPORT OBLIGATION (line 3 × line 6 for each parent)		\$ 732.04	\$ 1,525.26	
8. NON-CUSTODIAL PARENT ADJUSTMENT (enter non-custodial parent's line 5d)		\$	\$ 250.00	
9. RECOMMENDED CHILD SUPPORT ORDER (subtract line 8 from line 7 for the non-custodial parent only. Leave custodial parent column blank)		\$	\$ 1,275.26	

Date _____ Prepared By (type or print) _____

(NOTE: This form may be used in both civil and criminal cases.)
(Over)

PSS - Alimony Worksheet		Wife	Husband
Income			
1	Gross Monthly Income		
2	Net Monthly Income		
Expenses			
3	Shared Family Expenses (prorated portion for spouse)		
4	Individual Expenses of spouse only		
5	Monthly Debt Payments and other monthly obligations (if appropriate)		
6	Each Parent's Child Support Obligation (CS Worksheet A Line 7 entry for each party)		
7	Total Needs and Expenses (Add lines 3 through 6)		
8	Shortage or Surplus (Line 2 minus Line 7 for each party)		

Notes:

- Line 3 Consider how you are prorating shared family expenses. Keep in mind that if a portion of shared family expenses are attributable to minor children, the children are not paying for them, however child support should be taking care of the children's expenses. Is another adult living in the home that is/can/should be contributing to shared family expenses?
- Line 5 Are you getting ready to award attorney's fees and have it paid monthly? Do you want to factor that into ability to pay before you decide how much supporting spouse has as a surplus? Is the person actually paying the debt payments? If you include debt payments then are you double dipping into ED?
- Line 6 This will be more difficult in Worksheet B and C cases and off the charts guidelines cases, but factor in both parents contributions to the support of the children.
- Note: This worksheet is not an exact science, but a starting point for you to consider what ruling makes sense in your case. Make sure the numbers make sense in the context of the overall facts of your case.