

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR
BREVARD COUNTY, FLORIDA

IN RE: The Marriage of:
TABITHA L. KEPNER,
Petitioner,
and
CHRISTOPHER PURCELL KEPNER,
Respondent.

CASE NO.: NEW CASE
DIV: DOMESTIC

PETITION FOR DISSOLUTION OF MARRIAGE

COMES NOW, the Petitioner, TABITHA L. KEPNER, by and through the undersigned attorney, and files this Petition for Dissolution of Marriage, and in support thereof would state as follows:

1. This is an action for dissolution of the bonds of marriage between the Petitioner, TABITHA KEPNER, and the Respondent, CHRISTOPHER PURCELL KEPNER.
2. Both parties are over the age of eighteen (18) years and neither is, nor has been within a period of thirty (30) days immediately prior to the date of the filing of this action in the military of the United States as defined by the Amended Soldiers and Sailors Relief Act of 1940.
3. Neither party is mentally incompetent.
4. The Petitioner has been a resident of Florida for more than six (6) months before the filing of this Petition for Dissolution of Marriage.
5. The marriage of the parties is irretrievably broken.
6. The parties were married to each other on May 28, 2011 in Titusville, Brevard County, Florida.
7. There have been two (2) minor children born to the parties, the subject of this action, to wit:

C.D.K., born September 22, 2011

K.M.K., born May 31, 2016

There are no additional children expected and the Wife is not now pregnant. There were no children adopted by the parties, nor are there any pending adoption actions by either of the parties.

8. The present address of the minor children is 231 Seminole Ave, Titusville, FL 32780, where they currently reside primarily with the Mother.
9. The dates and addresses for the past five (5) years of the minor child and the persons with whom they have resided with are as follows:

<u>DATE</u>	<u>ADDRESS</u>	<u>PERSONS WITH WHOM THE MINOR CHILD HAS RESIDED:</u>
2018 to Present	231 Seminole Ave, Titusville, FL 32780	Mother and Father (Christopher and Tabitha Kepner)

10. The Petitioner has not participated as a party, witness, or in any other capacity in any other litigation concerning the custody of the minor children in this state and has no information of any custody proceeding concerning the children pending in a court of this or any other state. The Petitioner knows of no person not a party to this action who has physical custody of the child or claims to have custody of or visitation rights with respect to the children. Further, the Petitioner acknowledges that she has a continuing duty to advise the Court of any custody, visitation or timesharing, child support, or guardianship proceeding (including dissolution of marriage, separate maintenance, child neglect, or dependency) concerning the children in this state or in any other state about which information is obtained during this proceeding.

11. At the time of filing this Petition, there is an ongoing investigation by the Department of Children and Families in Brevard County. The Petitioner is without knowledge of whether a case has been opened involving that investigation.
12. The Petitioner is seeking an Order establishing a parenting and time-sharing plan which would allow the children to reside solely or primarily with the Petitioner and which would allow the Respondent to spend substantial supervised time with the child, both temporary and permanent. The Petitioner is requesting that the Court establish an Parenting Plan for the minor children that, at a minimum, describes in adequate detail how the parties will share and be responsible for the daily tasks associated with the upbringing of the minor child, the time sharing schedule, specifying the time sharing that the child will share with each parent, a designation of which parent will be responsible for health care, school related matters, and other activities and all forms of communication the parties will utilize to communicate with each other and with the minor child, both temporary and permanent.
13. It is in the Children's best interest that they have contact with both parents. The Petitioner is seeking an Order establishing sharing between the parents but which grants the Petitioner majority time sharing, and that contact with the Respondent be supervised.
 - a. The Respondent has a history of physical and mental abuse toward the minor children and toward the Petitioner. It would be detrimental to the children to have unsupervised time-sharing with the Respondent.
14. The Respondent has a history of abuse toward the minor children and toward the Petitioner. It would be detrimental to the children for the parties to have shared parental responsibility, therefore the Petitioner is seeking Sole Parental Responsibility.

15. The Petitioner is seeking an Order establishing child support in accordance with the child support guidelines and the time-sharing plan established by the Court, both temporary and permanent and retroactive to the date of filing of this petition.
16. The Petitioner is requesting that the Court issue an Order which entitles her to declare the minor children as dependents on her Federal Income Tax Return every year, both temporarily and permanent.
17. The Petitioner is requesting that the Respondent furnish life insurance as security for the payment of child support, both temporary and permanent.
18. The Petitioner respectfully requests that the Court enter an Order allocating the responsibility of the parties regarding health and hospitalization insurance for the child, both temporary and permanent, including any applicable premiums, deductibles and uncovered expenses for the child's medical, dental, orthodontic, pharmaceutical, psychiatric, psychological, and optical expenses, both temporary and permanent.
19. The parties have obtained certain assets and have incurred certain debts and liabilities during the course of their marriage which should be equitably distributed among the parties in accordance with the provisions of Florida Statute section §61.75 and other applicable law. In doing so, the Court should take into consideration the following:
 - a. Any dissipation of assets;
 - b. The right to any appreciation or enhancement in value of non-marital property;
and
 - c. The right to an unequal distribution if justified by the facts of the case as developed through discovery.
20. The parties own a marital property with street address and legal description:

Street Address: 231 Seminole Ave, Titusville, FL 32780

Parcel ID: 22-35-15-75-4-21

Legal Description:

Lots 21 and 22, Block 4, SECTION A, INDIAN RIVER SHORES, according to the map or plat thereof as recorded in Plat Book 5, Page 2, of the Public Records of Brevard County, Florida.

Subject to taxes for 2018 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

This property is a marital asset and should be equitably distributed.

21. Pursuant to Florida Statute §61.08 (2020), the award of alimony is presumed to be appropriate based on the following factors:

- a. The standard of living established during the marriage;
- b. The duration of the marriage;
- c. The age and the physical and emotional condition of each party;
- d. The financial resources of each party, including the nonmarital and the marital assets and liabilities distributed to each;
- e. The earning capacities, educational levels, vocational skills, and employability of the parties and, when applicable, the time necessary for either party to acquire sufficient education or training to enable such party to find appropriate employment;
- f. The contribution of each party to the marriage, including, but not limited to, services rendered in homemaking, childcare, education, and career building of the other party;

- g. The responsibilities each party will have with regard to any minor children they have in common;
 - h. The tax treatment and consequences to both parties of any alimony award, including the designation of all or a portion of the payment as nontaxable, nondeductible payment;
 - i. All sources of income available to either party, including income available to either party through investments of any asset held by that party;
 - j. Any other factor necessary to do equity and justice between the parties.
- 22. Pursuant to Florida Statute §61.08 (2020), this marriage is considered a moderate-term marriage.
- 23. The Petitioner has the need, and the Respondent has the commensurate ability to contribute to the Petitioner's support.
- 24. As a result of the length of the marriage, disparity in the parties' incomes and earning potentials, established standard of living, and the financial resources available to the parties, the Petitioner needs and seeks alimony, including permanent periodic, durational, rehabilitative, "bridge-the-gap," and/or lump sum.
- 25. The Petitioner currently has exclusive use and possession of a vehicle and is in need of temporary and permanent exclusive use and possession of said vehicle.
- 26. The Respondent currently has exclusive use and possession of a vehicle and is in need of temporary and permanent exclusive use and possession of said vehicle.
- 27. A Notice of Social Security Number for the Petitioner, TABITHA L. KEPNER, has been or will be filed with this action.

28. A Financial Affidavit for the Petitioner, TABITHA L. KEPNER, has been or will be filed with this action.
29. The Standing Temporary Domestic Relations Order Administrative Order No: 13-38-B is incorporated by reference into this Petition for Dissolution of Marriage.
30. The Petitioner has been required to hire Minoru Ohye, Esq., and has agreed to pay him reasonable fees and costs for his representation in the present case.
31. The Petitioner has the need, and the Respondent has the commensurate ability to contribute towards the Petitioner's attorney's fees and costs.
32. The Petitioner is seeking an Order for attorney's fees should the Court find that the conduct of the Respondent has or does generate unnecessary, vexatious, recalcitrant, or fruitless litigation, both temporary and permanent.
33. It would be unjust for the court to delay the entry of a Final Judgment of Dissolution of Marriage in the present case (Florida Statute §61.19). Therefore, the Petitioner requests that the Court enter a Final Judgment of Dissolution of Marriage as soon as it is appropriate.

WHEREFORE, the Petitioner respectfully requests that this Honorable Court enter a Final Judgment which:

- A. Finds the marriage to be irretrievably broken and dissolving the bonds of the marriage between the parties hereto.
- B. Establishes a Parenting Plan for the minor children that, at a minimum, describes in adequate detail, how the parties will share and be responsible for the daily tasks associated with the upbringing of the minor children, the timesharing schedule, specifying the timesharing that the children will share with each parent, a designation of

which parent will be responsible for healthcare, school related matters, and other activities and all form of communication the parties will utilize to communicate with each other and with the minor children, both temporary and permanent.

- a. Awarding the Petitioner majority time-sharing with the Respondent having substantial supervised time-sharing.
- b. Awarding the Petitioner sole parental responsibility.
- C. Establishes child support in accordance with the child support guidelines and the timesharing plan established by the Court, both temporary and permanent.
- D. Equitably divides among the parties all marital assets and liabilities;
- E. Orders that alimony be awarded to the petitioner in the form of permanent periodic, durational, rehabilitative, "bridge-the-gap," and/or lump sum.
- F. Orders that the Petitioner claim the minor children as dependents on her Federal Income Tax Return, both temporary and permanent, and ordering the Respondent to sign any documents necessary to release the dependency exemption to the Petitioner.
- G. Orders that the Respondent contribute to the Petitioner's attorney's fees and costs;
- H. Grants such further relief as the Court deems just and proper and in the best interest of the minor children.

I understand that I am swearing or affirming under oath and penalty of perjury to the truthfulness of the claims made in this Petition and that the punishment for knowingly making a false statement includes fines and/or imprisonment.


TABITHA KEPNER

STATE OF FLORIDA

COUNTY OF Brevard

BEFORE ME, the undersigned authority, X personally appeared or, _____ appeared by means of audio video communication technology as authorized by F.S. 117, TABITHA KEPNER, who first by me being duly sworn, says that she has read the foregoing document and has personal knowledge of the facts and matters stated in it and that these facts and matters are true and correct to the best of her knowledge and belief.

Sworn to or affirmed and signed before me on the 23rd day of March, 2023, who is X personally known to me or _____ produced _____ as identification.



ALEXIS M. OHYE
Commission # GG 981924
Expires April 27, 2024
Bonded Thru Budget Notary Services



Notary Public or Deputy Clerk

[Print, Stamp, or Type commissioned number]



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