

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2010-092104

09/09/2011

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT  
L. Wilkins  
Deputy

IN RE THE MARRIAGE OF  
REBEKAH WHITEHOUSE

JEFFREY G POLLITT

AND

MICHAEL WHITEHOUSE

SANDRA L SLATON

MINUTE ENTRY

Courtroom 402 - SE

Prior to the commencement of today's proceeding, Mother's exhibits 1 through 22 are marked for identification and Father's exhibits 23 through 97 are marked for identification.

10:04 a.m. This is the time set for Trial. Petitioner/Mother is present and is represented by above named counsel. Respondent/Father is present and is represented by above named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Rebekah Whitehouse and Michael Whitehouse are sworn.

Mother's case:

Michael Whitehouse now testifies.

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Mother's exhibits 4, 14, 3, 20, 13, 15, 10, 18 and 21 are received in evidence.

Father's exhibit 35 is received in evidence.

Mother's exhibit 19 is received in evidence.

Father's exhibit 27 is received in evidence.

The witness is excused, subject to recall.

11:50 a.m. The court stands at recess.

**LET THE RECORD REFLECT** Father's exhibits 98 and 99 are marked for identification during the Court's recess.

1:32 p.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Mother's case resumes:

Don Bays is sworn and testifies.

Mother's exhibit 9 is received in evidence.

Father's exhibit 43 is received in evidence.

The witness is temporarily excused.

2:30 p.m. The court stands at recess.

2:36 p.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Don Bays resumes the stand and continues to testify.

The witness is excused.

Father's case:

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James R. Anderson is sworn and testifies.

Father's exhibit 42 is received in evidence.

**LET THE RECORD REFLECT** page 18 is missing from exhibit 42.

Father's counsel moves the court to include page 18 in exhibit 42.

**IT IS ORDERED** granting Father's request and directing the above named deputy clerk to include page 18 as part of exhibit 42.

The witness is excused.

Rebekah Whitehouse, previously sworn, now testifies.

Mother's exhibit 1 is received in evidence.

Pursuant to stipulation of the parties,

**IT IS ORDERED** the insurance policies shall be assigned to the named insured and there shall be an equalization of the cash value of the policies.

Father's exhibits 93, 57 and 90 are received in evidence.

Mother's counsel moves the Court to seal exhibit 90.

**IT IS ORDERED** sealing Father's exhibit 90, not to be opened without further order of the Court.

The witness is excused.

Mother rests.

Michael Whitehouse resumes the stand and testifies in rebuttal.

The witness is excused.

**IT IS ORDERED** taking this matter under advisement.

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Discussion is held regarding submission of Closing Argument Memoranda by the parties.

**IT IS ORDERED** that counsel shall submit Closing Argument Memoranda regarding the division of property, division of debts, offsets that apply to the business valuation, and the methods of equalization that should be considered by the Court. The memoranda shall be exchanged between the parties by email and shall be submitted to the Court by no later than **5:00 p.m. on October 21, 2011**.

Discussion is held regarding division of property pending the entry of the final Decree in this matter.

Pursuant to stipulation of the parties,

**IT IS ORDERED** the parties shall proceed with the QDRO(s) which shall be performed by Richard Underwood. Further, the parties shall equally divide the IRA(s) and Sage Point accounts by **September 30, 2011**; offsets shall be addressed by the parties in the Closing Argument Memoranda.

Discussion is held regarding the exhibits that have not been received in evidence.

Father's counsel requests that all of Father's remaining exhibits be received in evidence. Mother's counsel states an objection.

**THE COURT FINDS** that Mother's counsel's failure to list the objections exhibit by exhibit in the Pre-Trial Statement is a waiver of the ability to object to said exhibits; the balance of Father's exhibits are received in evidence at this time, with the exception of exhibits 94, 97 and 98.

Father's exhibits 23, 24, 26, 28 through 34, 36 through 41, 44 through 56, 58 through 89, 91, 92, 95 and 96 are received in evidence.

Mother's counsel requests that Mother's remaining exhibits also be received in evidence.

Mother's exhibits 2, 5 through 8, 12, 16, 17 and 22 are received in evidence.

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

**IT IS ORDERED** that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee.

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**IT IS FURTHER ORDERED** that counsel/party or written designee take immediate possession of all exhibits referenced above.

**IT IS FURTHER ORDERED** permanently releasing exhibits 94, 97 and 98 to counsel for Father.

5:18 p.m. Trial concludes.

**ISSUED:** *Exhibit Release Form*

**SEALED:** Father's exhibit 90

**PLEASE NOTE:** This Court utilizes a digital audio recording system to preserve the official record of proceedings. Persons requesting copies of recorded proceedings may call the 24 hour call in line at (602) 506-7100 for complete instructions.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.