Michael K. Jeanes, Clerk of Court
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SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2008-004212 09/18/2009

HON. RANDALL H. WARNER

CLERK OF THE COURT
C. Danos
Deputy

IN RE THE MARRIAGE OF
MARC LEWIS

NEAL G HORENSTEIN

AND

CARLY LEWIS

CARLY LEWIS
10115 E BELL RD
107-211
SCOTTSDALE AZ 85260

DOCKET-FAMILY COURT CCC
FAMILY COURT SERVICES-CCC

DECREE OF DISSOLUTION OF MARRIAGE

A trial in this dissolution case was held on September 10, 2009. Based on the evidence presented, the court makes the following findings and conclusions, and issues this Decree of Dissolution.

I. DISSOLUTION OF MARRIAGE.

The court finds that at least one of the parties was domiciled in Arizona for more than 90 days immediately before the filing of the Petition; that the conciliation provisions of A.R.S. § 25-381.09 and the domestic relations education provisions of A.R.S. § 25-352 either do not apply or have been met; that the marriage is irretrievably broken and that there is no reasonable prospect for reconciliation.

To the extent it has jurisdiction to do so, the court has considered and made provisions for maintenance and disposition of property, and, where applicable, support, custody and visitation.

IT IS ORDERED that the marriage between Petitioner/Husband Marc Lewis and Respondent/Wife Carly Lewis is dissolved, and each party is returned to the status of a single person effective upon the signing and entry of this Decree.

II. PREMARITAL AGREEMENT.

Wife and Husband entered into a premarital agreement and Wife challenges the enforceability of that agreement. The court finds that the premarital agreement is unenforceable because Wife did not enter into it voluntarily. A.R.S. § 25-202(C)(1). Specifically, the court finds that Wife was subject to emotional and psychological abuse and control by Husband such that her consent to the premarital agreement cannot be considered voluntary.

III. PROPERTY AND DEBT.

Several property issues are raised.

First, the $20,000 diamond ring referenced in the premarital agreement. The court finds that Husband owned the ring pre-marriage, but that he gifted it to Wife pre-marriage. The ring was therefore Wife's sole and separate property, which she has now sold.

IT IS ORDERED denying Husband's claim with respect to the ring.

Second is the lap top computer. The court finds the computer to be Husband's sole and separate property, having been purchased by him after service of the petition for his business purposes.

IT IS ORDERED awarding the Dell lap top computer to Husband. Wife shall deliver the computer to Husband's counsel's office within 15 days of this order.

Third is the Mercedes key. The court finds that Wife returned the key to Husband.

Fourth is the color television in Wife's possession. That property is not listed in Husband's pretrial statement and therefore Husband's claim is waived. In addition, the court finds that the television in Wife's possession was hers pre-marriage.

IT IS ORDERED declaring the color television in Wife's possession to be her sole and separate property.

Fifth, there are several items of home furnishings that Wife claims Husband has that are hers. The court finds that this claim is waived by not having been specified in Wife's pretrial statement, and also that the property was purchased with Husband's sole and separate funds.

IT IS ORDERED denying Wife's claim to additional personal property in Husband's possession.

IT IS FURTHER ORDERED awarding to Husband as his sole and separate property, subject to any liens or encumbrances thereon, all vehicles, household furniture, furnishings and appliances, and other personal property currently in his possession not otherwise disposed of by this order.

IT IS FURTHER ORDERED awarding to Wife as her sole and separate property, subject to any liens or encumbrances thereon, all vehicles, household furniture, furnishings and appliances, and other personal property currently in her possession not otherwise disposed of by this order.

IT IS FURTHER ORDERED that each party shall be responsible for debts in his/her name.

IV. SPOUSAL MAINTENANCE.

Wife seeks an award of spousal maintenance. The court finds that Wife does not qualify for spousal maintenance under any of the criteria in A.R.S. § 25-319(A).

IT IS ORDERED denying Wife's spousal maintenance claim.

V. RESTORATION OF NAME.

Upon request of Wife,

IT IS ORDERED restoring Wife to her former name of Carly Cevallos.

VI. ATTORNEYS' FEES.

Considering the factors under A.R.S. § 25-324, and in the exercise of its discretion, the court declines to award fees, costs or expenses to either party.

IT IS ORDERED that each party bear his/her own attorneys' fees, costs and expenses.

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FILED: Exhibit Worksheet.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/ s / HON. RANDALL H. WARNER

JUDICIAL OFFICER OF THE SUPERIOR COURT

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp

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.