

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN
AND FOR PALM BEACH COUNTY,
FLORIDA

Family Division
Case No.: CD00-DR534FZ

In Re Marriage of

Angela Barna
Petitioner, Former Wife,
and

Peter Barna
Respondent; Former Husband, *pro se*

COPY
SOUTH COUNTY BRANCH OFFICE

MAY 17 2005

SHARON R. BOCK
CLERK & COMPTROLLER
PALM BEACH COUNTY

**MOTION FOR TERMINATION OF CHILD SUPPORT TO CHRISTINA BARNA
AND CREDIT FOR EXCESS PAYMENT TO SON PETER BARNA**

Comes now the former husband PETER BARNA, *pro se*, respectfully requesting this court enter an order terminating his child support to his daughter Christina Barna and crediting the excess payment to her of \$9730 to his son Peter Barna. In support he offers,

1. A Final Order of Dissolution of Marriage was entered by this court in Case No CD00-534FZ on January 31, 2001.

2. The Order of Dissolution contained a provision for Peter Barna to pay child support :

The Court accepts the wife's proposed child support guidelines and evidence presented at trial and hereby order that the husband shall remit the sum of \$1390 per month for the support of the minor children, commencing on February 1, 2001 and on the first of each month thereafter pending further order of this Court. All payments shall be made via income deduction order and through the Florida Child Support Depository. The parties stipulate that the wife shall hereafter be responsible for providing health insurance for the minor children and provide proof of same to the husband upon receipt. All payments shall be made via income deduction order. The husband shall be responsible for 88.5% of uncovered medical expenses and the Wife shall be responsible for 11.5% of uncovered medical expenses. The parties further stipulate that the Husband's claim of direct payment and credit with regards to temporary child support payments shall survive this final judgment, shall not be merged herein, and the Court shall reserve jurisdiction to address this matter upon proper motion and notice as necessary.

3. Christina Barna (daughter) reached the age of 18 years on March 12, 2004. She has completed high school May 2004.

4. Christina Barna is in good health and gainfully employed

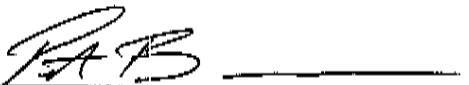
5. After March 12, 2004 Peter Barna has continued to make child support payments of \$1390 monthly for a total to Angela Barna of \$19,460.
6. Peter Barna has paid excess child support of \$9730 since March 2004. (2 children/\$1390 1 child/\$695 per month/14 months=\$9730).
7. F.S. 61.13 requires child support only to age 18 years.
8. No petition to modify payment to Christina Barna beyond age 18 years had ever been entered before this court.
10. This Court should recognize that Peter Barna is a *pro se* litigant and that there should be "special care with which *pro se* litigants must be treated [because they] occupy a position significantly different from that of litigants represented by counsel." Somerville v. Hall, 2 F.3d 1563, 1564 (11th Cir. 1993) and Johnson v. Pullman, 845 F.2d 911, 914 (11th Cir. 1988).

Wherefore Peter Barna requests this court enter a formal order terminating his child support obligation to Christina Barna effective March 12, 2004.

Further, Peter Barna requests this court enter an order that the excess payments to Christina Barna of \$9730 be credited as child support paid to his son Peter Barna effective immediately.

Finally, this court must reduce the Income Deduction Order in effect to reflect the overpayment of child support and when the overpayment credit is used up to reduce the income deduction order by \$695 monthly.

Respectfully submitted,

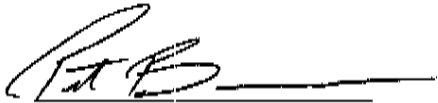


Peter Barna, pro se
4598 Ashton Road
Sarasota, FL 34292
Telephone/Fax: 941-504-9937
Email: peterbarna.RKM@verizon.net

Certificate of Service

I

certify that a copy of this Motion for Termination of Child Support to Christina Barna with Credit of Excess payments to son Peter Barna was mailed to Angela Barna, 5064 Lantana Road, Apt 6107, Lake Worth, FL 33463 the 13th day of May, 2005



Peter Barna, pro se
4598 Ashton Road
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Telephone 941-504-9937
Fax: 941- 925-1645
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PROPOSED ORDER

This court, having reviewed the Final Order of Dissolution and the writings of the parties, finds that Christina Barna has reached the age of eighteen year in March 2004 and graduated from high school in May 2004.

The court also finds that Peter Barna has paid excess child support for his daughter Christina Barna in the amount of \$9730.00

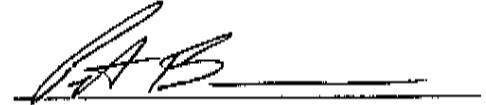
This Court orders that child support for Christina Barna terminated March 2004 and that Peter Barna paid excess Child support for Christina Barna in the amount of \$9730.00 Therefore Peter Barna is credited with excess child support payments of \$9730.00 Which shall be credit to his payment requirements for his son Peter Barna.

The income deduction order is changed to reflect the overpayment to Christina and to give the overpayments credit to the account of son Peter Barna. Also, after the credit is used the income deduction order should be reduced by \$695 monthly to reflect no child support payment for Christina Barna.

Lastly, since March 2004 Peter Barna's child support payment is considered

reduced to \$695 (\$1390 divided by 2) monthly as child support for his only child, son Peter Barna. Such child support for son Peter Barna shall continue till Peter is age 18 years or such circumstances are warranted for modification.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'P. Barna', is written over a horizontal line.

Copies to Peter Barna and Angela Barna.

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Motion For Phone Appearance

Comes now the former husband PETER BARNA, *pro se*, respectfully requesting appearance by phone due to financial hardship to travel across the state of Florida for his Motion for Termination of Child Support to Christina Barna and Credit of Excess Payments to Peter Barna.

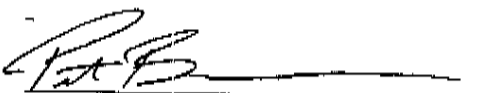
Respectfully submitted,



Peter Barna, pro se
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Telephone 941-504-9937
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Email: peterbarna.RKM@verizon.net

Certificate of Service

I certify that a copy of this Motion for Phone Appearance was mailed to Angela Barna, 5064 Lantana Road, Apt 6107, Lake Worth, Fl 33463 the 13th day of May 2005



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