

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 04-80443-CIV-Ryskamp/Vitunac

STEWART GREENBERG

Plaintiff, pro se

v

JAMES ZINGALE, Chairman, Executive Director
Florida Department of Revenue,
in his official capacity and,

FLORIDA DEPARTMENT OF REVENUE,
Defendants.

NIGHT BOX
FILED

NOV 17 2004

CLERK, USDC / SDFL / WPB

**AFFIDAVIT OF STEWART GREENBERG IN SUPPORT OF
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Before me the undersigned authority, personally appeared Stewart Greenberg who having been duly sworn deposes and states under oath as follows;

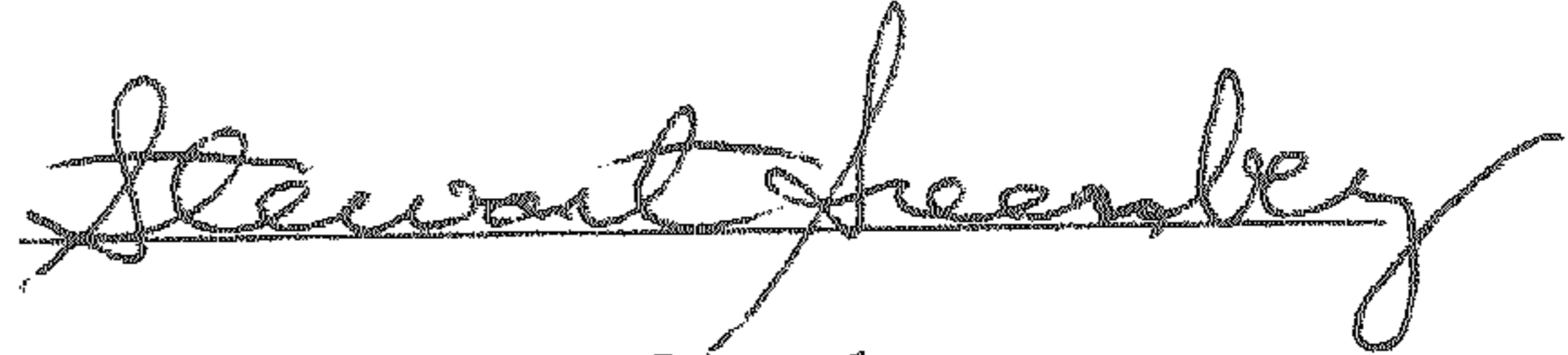
1. My name is Stewart Greenberg and I have personal knowledge regarding the following facts.
2. Stewart and Elaine T. Greenberg's personal decision to enter marriage together was fulfilled in Brookline Massachusetts, November 23 1982. After about sixteen years, we made a personal decision to dissolve our marriage. April 17, 2000 the final order of the dissolution of our marriage was entered by the Fifteenth Judicial Circuit Court of Florida in Palm Beach County, Florida. We have been blessed with two healthy children, David now 20, a college student and Heather now 19, a college student.
3. Elaine T. Greenberg is a healthy 50 year old with a master's degree in social

work. She has worked as a school teacher at Spanish River High School in Boca Raton. In the dissolution proceedings she had testified that she can and wants to work.

4. Elaine T. Greenberg has no impediments to economic independence.
5. I am a healthy 50 year old physician.
6. At the dissolution proceedings the State of Florida divided our marital property such that Elaine T. Greenberg received over a million dollars in liquids assets. She lives and owns a home in a gated community and drives a 2003 luxury sedan.
7. During the dissolution proceedings, because of the mandates of F.S. § 61.08, the State of Florida intruded into my marriage to examine, evaluate, determine and conclude the terms and nature of the interpersonal relationship, spousal roles, spousal conduct, parental decision making, parenting conduct, parental spending, economic standard of living, occupations, education, savings, assets, charitable contributions and most importantly the intimate emotional, psychological and physical details of the parties and family during their marriage.
8. In applying F.S. §61.08 permanent alimony provisions against me the State of Florida was supposed to apply 2^{17} permutations of factors and consider “may consider any other factor necessary to do equity and justice between the parties” in reaching a conclusion whether to award permanent alimony. It did award permanent alimony against me until I die, Elaine T. Greenberg dies or she remarries.

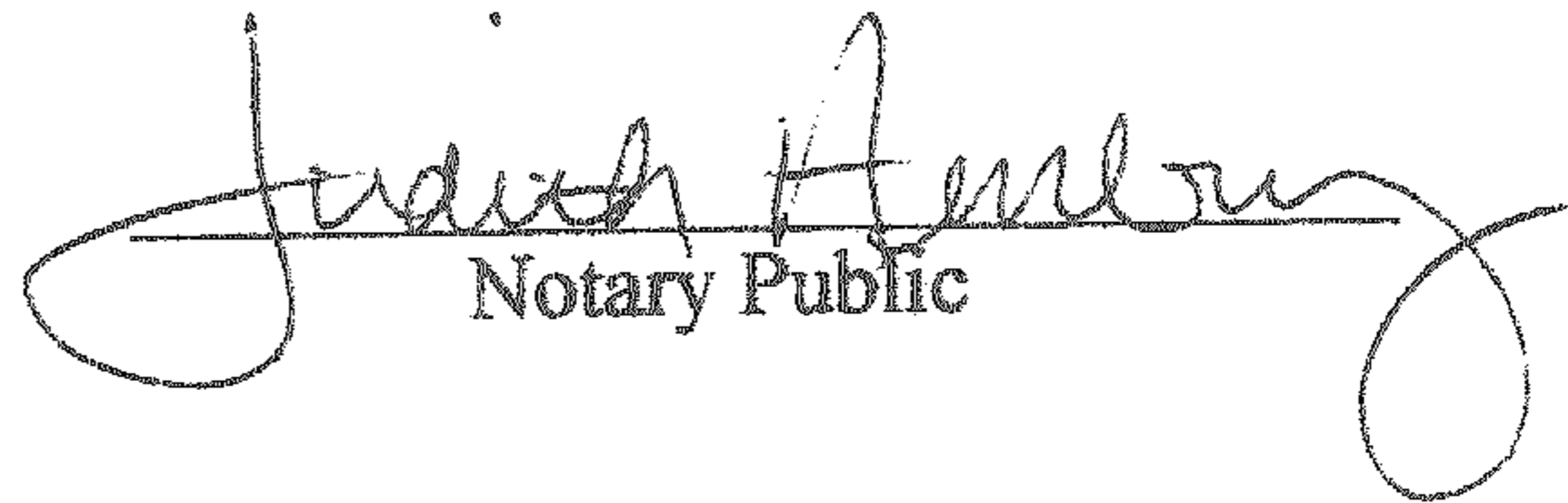
9. I have continuously met my alimony obligation to the best of my physical, mental and emotional capacity. Despite my best efforts to comply with the court ordered alimony edict, I have had contempt orders and an arrest warrant entered against me from time to time for arrearages.

Further Affiant Sayeth Not.



Stewart Greenberg
November 17, 2004

The foregoing affidavit was sworn to and subscribed before me this 17th day of November, 2004, by Stewart Greenberg.



Notary Public

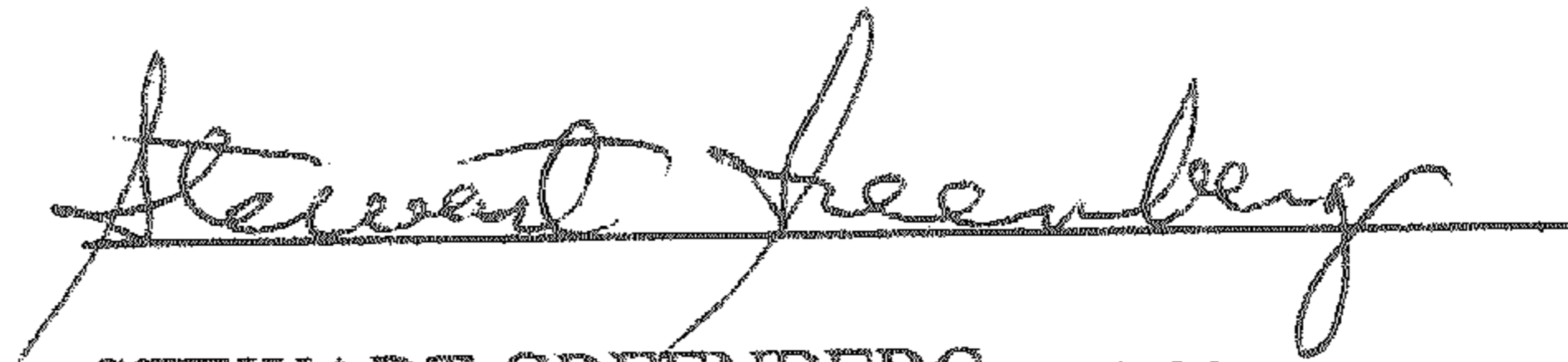
Personally known to me.



JUDITH AMBURY
MY COMMISSION # DD 255043
EXPIRES: November 28, 2007
Bonded Thru Budget Notary Services

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Affidavit has been sent this 17th day of November, 2004 by U.S. Mail to counsel for the defendants and independently to Valerie J. Martin, Assistant State Attorney, Office of the Attorney General, 110 S.E. 6th St., 10th Floor, Ft. Lauderdale, Florida, 33301.



STEWART GREENBERG, pro se
958 Eve St.
Delray Beach, FL 33483
Telephone 561 276 1714

Dated: November 17, 2004