

**WISHING YOU ALL A WONDERFUL FOURTH OF JULY!**

**NEWS**

Glenn Liebman, CPA/ABV is quoted in Private Wealth Magazine in an article titled "Dealing with Divorce"

[LINK TO ARTICLE](#)

**MATRIMONIAL CASES OF INTEREST**

***V.P.W. v. S.D.W. (Supreme Court, Nassau County)***

Plaintiff-wife moved for defendant-husband to continue paying \$5,200/month in child support and \$5,400/month in spousal maintenance. The court deviated from the DRL 236B(5-a) calculation and imputed annual income of \$18,000 to the wife and found that wife's reasonable monthly expenses equaled \$3,275. The Court included expenses for gas, tolls, entertainment, dining out, fitness, gifts, and charitable contributions, etc but excluded vacation costs, vet expenses, religious dues, and children's allowances. However, finding that the husband was already paying \$11,000/month in family/marital expenses, the court granted the wife's motion for spousal maintenance but only in the amount of \$2,000/month.

Furthermore, the court did not award the wife any child support because the parties' two older children were in college (which was already being paid for by the husband) and because the parties still resided together in the marital home with the youngest child.

[LINK TO DECISION](#)

***SAWIN v. SAWIN (Appellate Division, 2<sup>nd</sup> Department)***

The Appellate Court found that the Supreme Court erred in granting plaintiff a credit based upon a 401(k) loan she took out against her account for marital expenses. While the plaintiff testified that the loan was taken out after the date of commencement to pay for the oldest child's college tuition, the Appellate Court found that the loan was neither used for college tuition or marital benefits and therefore,

could not be considered a distributable marital debt. The defendant was therefore entitled to 50% of the 401(k) balance without any credits due to the plaintiff.

[LINK TO DECISION](#)

**MAUTHNER v. MAUTHNER (Appellate Division, 1<sup>st</sup> Department)**

In distributing the parties' assets, the Supreme Court valued the E-Trade and Fidelity Retirement Accounts as of the date of commencement of the action. While passive assets are generally valued as of the date of trial, this is not a strict rule and the court's determination was deemed reasonable by the Appellate Court.

[LINK TO DECISION](#)

**Visit Our Website >> [www.goKLG.com](http://www.goKLG.com)**

**Klein Liebman & Gresen, LLC** - 6800 Jericho Turnpike, Suite 206E - Syosset, NY 11791

**Phone** (516) 364-3232 || **Fax** (516) 364-3186  
**New York City** (212) 505-5770 || **White Plains** (914) 831-1555

Visit Klein Liebman & Gresen, LLC at [www.goKLG.com](http://www.goKLG.com)

**DISCLAIMER**

Our primary purpose in sending this update is to provide information about developments in your industry; however, this email may constitute a commercial electronic mail message under the CAN-SPAM Act of 2003. This email does not contain a complete legal analysis or constitute an opinion of Klein Liebman & Gresen, LLC or any member of the firm or its employees on the issues herein described. This email contains information that may be modified or rendered incorrect by future legislative or judicial developments.

[Forward this email](#)



This email was sent to [jgibralter@goklg.com](mailto:jgibralter@goklg.com) by [jeff@goklg.com](mailto:jeff@goklg.com) |  
Rapid removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).



Klein Liebman & Gresen, LLC | 6800 Jericho Turnpike, Suite 206E | Syosset | NY | 11791