

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
FLAGLER COUNTY FLORIDA

CASE NUMBER: 2017 DR 000354
DIVISION: 47

IN RE: THE MARRIAGE OF:

DAVID S. O'BRIEN,
Petitioner/Husband,

and

MILISSA M. HOLLAND,
Respondent/Wife.

**PETITION FOR DISSOLUTION OF MARRIAGE WITH NO
DEPENDENT OR MINOR CHILD(REN)**

I, **DAVID S. O'BRIEN**, the Petitioner/Husband, being sworn, certify that the following statements are true:

1. **JURISDICTION:** The Husband and Wife have both lived in the State of Florida for at least six (6) months before the filing of this Petition for Dissolution of Marriage.

2. **NON-MILITARY SERVICE:** Both parties are over the age of eighteen (18), and neither is, nor has been within a period of thirty (30) days immediately prior to this date, a person in the military service of the United States as defined by the Amended Soldiers and Sailors' Civil Relief Act of 1940. Furthermore, neither party is not mentally incompetent.

3. **MARRIAGE HISTORY:**

A. The date of the marriage is April 21, 2012.

B. The marriage took place at Palm Coast, Flagler County, Florida.

C. The date of separation is on or about May, 2013. From May, 2013 until present, the parties have continuously lived separate and apart.

4. There are no minor or dependent children common to both parties and the Respondent/Wife is not pregnant.

5. This Petition for Dissolution of marriage should be granted because the marriage of the parties is irretrievably broken.

6. The Petitioner alleges there are marital assets or liabilities that need to be equitably

distributed by the Court. The Court should determine how the assets and liabilities of this marriage are to be distributed, under Section 61.075, Florida Statutes.

7. The parties are joint owners of two (2) motor vehicles. The Petitioner/Husband has historically driven the 2007 SAAB 9.3 and it has been considered the Petitioner/Husband's vehicle. The Respondent/Wife has historically driven the 2011 BMW 128i and it has been considered the Respondent/Wife's vehicle. The Petitioner/Husband submits the 2007 SAAB 9.3 has no lien and the 2011 BMW 128i has a lien in the approximate amount of \$30,000.00 with Santander Financing.

8. The parties jointly owe approximately \$9,000.00 to the Internal Revenue Service for taxes due in the years 2014 and 2016. These taxes should be equitably paid by the parties.

9. The Petitioner was employed with the Flagler County Sheriff's Office upon the date of the marriage and continued his employment with the Flagler County Sheriff's Office until April, 2013. The Respondent was employed as a Flagler County Commissioner at the time of the parties' marriage and is currently the Mayor of Palm Coast, Florida and has held this position since approximately November, 2016. Both parties are entitled to some portion of the other party's State of Florida Retirement.

10. The Petitioner alleges that neither part is entitled to durational or permanent alimony as this is a marriage of less than five (5) years duration. Further, the Petitioner alleges the parties are not entitled to bridge-the-gap or rehabilitative alimony since they have been living separate and apart since May, 2013.

11. Attorney's Fees and Costs: The Petitioner shall pay the Alexander law Firm, LLC a reasonable attorney and court costs for filing this action and the Petitioner requests reimbursement for his reasonable attorney's fees and costs from the Respondent who has the present financial ability to pay a portion or all of the Petitioner's attorney's fees and costs.

PETITIONER'S REQUEST

Petitioner requests that the Court enter an order dissolving the marriage and:

1. Award equitable distribution concerning the parties' marital assets and liabilities;
2. Award the Petitioner/Husband use and permanent possession of the parties' 2007 SAAB 9.3 and award the Respondent/Wife use and permanent possession the parties' 2011 BMW 128i provided the Respondent/Wife is solely responsible for the lien to Santander Financing;
3. Equitably divide whatever portion of State of Florida retirement which each party may

be entitled;

4. Equitably divided the joint debt owed by the parties to the Internal Revenue Service;
5. Award Petitioner/Husband his request for reimbursement of attorney's fees and costs; and
6. Award any other relief as requested in Paragraph 10 of this Petition; and any other terms the Court deems necessary.

I UNDERSTAND THAT I AM SWEARING OR AFFIRMING UNDER OATH TO THE TRUTHFULNESS OF THE CLAIMS MADE IN THIS PETITION AND THAT THE PUNISHMENT FOR KNOWINGLY MAKING A FALSE STATEMENT INCLUDES FINES AND/OR IMPRISONMENT.

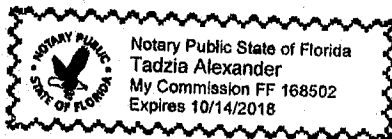
Dated this 7th day of April, 2017.

DAVID S. O'BRIEN
Petitioner

State of Florida
County of St. Johns

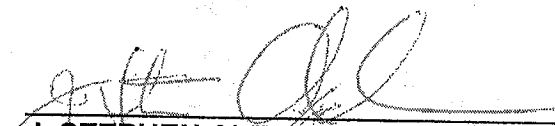
BEFORE ME, the undersigned authority, personally appeared DAVID S. O'BRIEN, and who, after being duly sworn, deposes and says he is the person referred to as the Petitioner in the foregoing Petition, and that he has read the contents of the same, and that he has executed this instrument for the purposes therein stated.

WITNESS my hand and official seal this 7th day of April, 2017.



Name Tadzia Alexander
Notary Public
State of Florida at Large

() Personally known
(X) Produced I.D.
Florida Drivers License Ending 3330



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