

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

CASE NO. 2017-DR-000354-47

In re the Marriage of:

DAVID S. O'BRIEN,
Husband,

and

MILISSA M. HOLLAND,
Wife.

**WIFE'S ANSWER TO HUSBAND'S PETITION FOR DISSOLUTION OF
MARRIAGE WITH NO DEPENDENT OR MINOR CHILD(REN) AND
WIFE'S COUNTER-PETITION FOR DISSOLUTION OF MARRIAGE
AND OTHER RELIEF**

COMES NOW the Wife, MILISSA M. HOLLAND, by and through her undersigned attorney and files her Answer to Husband's Petition for Dissolution of Marriage With No Dependent or Minor Child(ren) and states:

1. I agree with the Husband as to the allegations contained in Paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 of the Husband's Petition for Dissolution of Marriage With No Dependent or Minor Child(ren).
2. I disagree with the Husband as to the allegations contained in Paragraphs 9, 10 and 11 of the Husband's Petition for Dissolution of Marriage With No Dependent or Minor Child(ren).

**COUNTER-PETITION FOR DISSOLUTION OF
MARRIAGE AND OTHER RELIEF**

I, MILISSA M. HOLLAND, the Wife, being sworn, certify that the following statements are true:

GENERAL INFORMATION

3. The Husband and Wife have both lived in the State of Florida for at least 6 months before the filing of this Counter-Petition for Dissolution of Marriage. The Husband is not a member of any military service. The date of marriage is April 21, 2012, and the place of marriage was Palm Coast, Flagler County, Florida. The date of separation is on or about May, 2013. From May, 2013 until present, the Parties have continuously lived separate and apart.

MINOR CHILD(REN)

4. No child(ren) was/were born of the marriage, and the Wife is not pregnant.

DISSOLUTION OF MARRIAGE

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

HUSBAND'S MARITAL RAPE OF WIFE

6. In 2013, the Husband raped his wife three (3) times subjecting her to multiple hours of torment and living Hell. The rapes including multiple bodily penetrations, choking, dragging and other horrific acts. The Husband's rape of the Wife continued for three (3) consecutive nights while the Wife was semi-unconscious to completely unconscious. The Husband has admitted in multiple writings to the Wife of the three (3) nights of rape and living Hell. The inhumane acts by the Husband has resulted in the Wife suffering permanent physical and mental trauma. The Wife will detail her anguish and torment of her physical self and her soul by the Husband at future depositions, hearings and trial as necessary.

DELAY BY HUSBAND

7. It is suspected that the Husband intentionally delayed filing the Petition for Dissolution of Marriage until the Statute of Limitations passed for the Wife's Civil Action against the Husband for his multiple horrific rapes subjecting her to a past, present and future living Hell. Therefore, equity demands based on this additional rape of the Wife by stringing her on through financial support to avoid a Civil Action by the Wife against the Husband for the horrific rape by the Husband upon the Wife. Fl. Stat. Ch. 61 specifically allows pursuit of justice and equity in division of assets and liabilities and an award of Alimony and Attorney Fees and Costs.

ASSETS AND LIABILITIES

8. There are marital and non-marital assets and liabilities. All marital and non-marital assets and liabilities are (or will be) listed in the financial affidavits, Florida Family Law Form 12.901(d) or (e), to be filed in this case or presented at Final Hearing. The Court should determine how the assets and liabilities of this marriage are to be distributed per Florida Statute Section 61.075.

UNEQUAL DISTRIBUTION OF MARITAL ASSETS AND LIABILITIES

9. Due to the horrific and multiple rapes by the Husband upon the Wife as described in Paragraph 6, the Court should award greater than 50% of the marital assets (100%) to the Wife and the Court should Order the Husband to pay greater than 50% of the marital liabilities (100%).

ALIMONY

10. The Wife needs alimony from the Husband and the Husband has the ability to pay alimony to the Wife. All forms of alimony should be considered, including temporary, durational, bridge-the-gap, rehabilitative, equitable, lump-sum and permanent periodic. The Court should enter an Order of Temporary Alimony and the Court should enter an Order of Permanent Periodic Alimony (and any other type of Alimony) to be paid by the Husband to the Wife due to the aforementioned multiple rapes by the Husband upon the Wife as briefly described in Paragraph 6 of this Counter-Petition in that equity demands justice is clothed upon the Wife to protect and heal the mental, physical, emotional and aura damages that has affected the Wife 24/7/365, past, present and future, as all acts by the Husband, including, the delayed filing of the Petition for Dissolution of Marriage, constitutes exceptional circumstances. Also, the Wife has requested the Husband provide immediate temporary relief to her as he has traditionally paid all marital bills, unfortunately, as of the filing of this Counter-Petition, the Husband has not even had the courtesy to reply to the request by the Wife's Attorney seeking immediate temporary support to maintain the status quo standard of living expenses. Furthermore, the Husband purloined money from all joint bank accounts, again, raping of the Wife's dignity. Therefore, in addition to the horrific raping of the Wife for three (3) consecutive nights, he has now left her without funds to maintain her ongoing bills to have even a modicum of dignity during the temporary aspect of this case. The Husband should maintain a life insurance policy with the Wife as the sole beneficiary to secure his alimony obligation. The Wife requests a minimum of five thousand dollars (\$5,000.00) per month Temporary alimony retroactive to the date of filing of the Husband's Petition for Dissolution of Marriage or other date as established by the Court.

EXCLUSIVE USE AND OCCUPANCY

11. The Wife needs temporary exclusive use and occupancy of her residence located at 8 Lakeside Drive, Palm Coast, Florida and it is in the best interest of the Parties that the Wife's income and standard of living is properly maintained.

ATTORNEY FEES AND COSTS

12. The Wife has the need for the Husband to pay her Attorney fees and costs. The Husband has the ability to pay her Attorney fees and costs. Attorney fees and costs should be entered per a Temporary Order, whether that be one Order or a series of Temporary Orders, and the Court should enter a final award of Attorney fees and costs. Also, as of the date of filing this Counter-Petition, the Wife requested temporary Attorney fees and costs as she was unable to pay the \$10,500.00 engagement fee to her Attorney, and instead she signed an engagement agreement for \$1.00 with the \$10,500.00 engagement fee due within ninety (90) days. Therefore, it is requested at Temporary Hearing Attorney fees and costs of a minimum of

\$10,500.00 subject to a greater amount per presentation of the expected Attorney fees and costs.

ADMINISTRATIVE ORDER

13. Attached herewith is the Court's Administrative Order implementing a Standing Temporary Domestic Relations Order, marked as Exhibit "A."

ATTORNEY FEES AND COSTS

14. The Wife has the need for the Husband to pay her Attorney fees and costs. The Husband has the ability to pay her Attorney fees and costs. Attorney fees and costs should be entered per a Temporary Order, whether that be one Order or a series of Temporary Orders, and the Court should enter a final award of Attorney fees and costs. Also, as of the date of filing this Counter-Petition, the Wife requested temporary Attorney fees and costs as she was unable to pay the \$10,500.00 engagement fee to her Attorney, and instead she signed an engagement agreement for \$1.00 with the \$10,500.00 engagement fee due within ninety (90) days. Therefore, it is requested at Temporary Hearing Attorney fees and costs of a minimum of \$10,500.00 subject to a greater amount per presentation of the expected Attorney fees and costs.

WIFE'S REQUEST

WHEREFORE, the Wife, MILISSA HOLLAND, requests in the interest of justice and equity relief specifically contemplated by the State of Florida to be taken into consideration for these particular matters, that the Court enter an Order Dissolving the Marriage; enter a Judgment identifying non-marital assets and debts of the Husband and Wife, and perform equitable distribution of the assets and liabilities of the Husband and Wife subject to greater than 50% of distribution of assets to the Wife and greater than 50% distribution of liabilities to the Husband; enter a Judgment of Exclusive Use and Occupancy of the marital residence to the Wife; enter a Judgment of Alimony, as requested herein to the Wife, including life insurance and other securing provisions; enter a Judgment of Attorney fees and costs for the Wife reserving on determination of reasonable amount of Attorney fees and costs to be paid by the Husband to the Wife's Attorney; and any other Judgment/Order as requested in this Counter-Petition for Dissolution of Marriage, evidence conformed at trial, and any other necessary Judgment/Order the Court deems reasonable herein; all per a Temporary Order, a series of Temporary Orders, and Final Judgment/Order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of this document has been e-filed to the Clerk of Court Flagler County, and that a true copy was furnished by eservice/email to J. Stephen Alexander, Esq. (service@thealexanderlawfirmllc.com, tadzia@thealexanderlawfirmllc.com and steve@thealexanderlawfirmllc.com), this ___ day of May, 2017.

DOUGLAS A. KNELLER

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Attorney for: *Wife*

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this Petition.

Date: _____

MILISSA HOLLAND

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, this day, personally appeared Milissa Holland, who first by me duly sworn, says that she is the Wife in the above-styled cause and has read the Wife's Answer and Counter-Petition for Dissolution of Marriage and has personal knowledge of the facts and matters alleged therein and that each of those facts and matters are true and correct.

SWORN to and SUBSCRIBED before me this _____ day of May, 2017, and who has produced photo-identification of a Florida Driver's License.

NOTARY PUBLIC – STATE OF FLORIDA