

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

IN RE: THE MARRIAGE OF

CASE NO.: 2022 DR 000164
DIVISION 47

JENNIFER MULLINS,

Petitioner,

and

JOSEPH F. MULLINS,

Respondent,

and

THE MULLINS COMPANIES, LLC,
individually, and d/b/a MULLINS SPORTS
ENTERTAINMENT, individually and d/b/a
MULLINS PROPERTIES, individually, and
d/b/a/ a Foreign company authorized to do
business in Florida,

Defendant,

and

JESSIE FARRELL, LLC, a Foreign company
authorized to do business in Florida,

Defendant,

and

MULLINS MANAGEMENT GROUP, LLC,
a foreign company authorized to do business
in Florida,

Defendant.

VERIFIED MOTION TO MODIFY TEMPORARY RELIEF ORDER

COMES NOW, Respondent, JOSEPH F. MULLINS, by counsel, and hereby requests an Order Modifying the Temporary Relief Order (Dkt. #87) dated May 9, 2022, and in support thereof alleges as follows:

1. On May 3, 2022 the Court held a hearing during which it took testimony and issued an order awarding temporary support (the “May Order”).

2. Despite testimony from the Husband concerning the financial hardship he and his family were experiencing, the May Order required the husband to make temporary support payment to the Wife, including child support, in the amount of approximately eight thousand five hundred dollars (\$8,500.00) (the “Monthly Support”).

3. Since the May Order, the Husband has complied with the mandatory disclosures (the “Disclosures”). In pertinent part, the Disclosure provides evidence that the Husband’s financial situation and ability to pay the Monthly Support was: (i) grossly overstated by the Wife in the Complaint and (ii) as represented to this Court by Wife’s attorney.

4. The evidence in the Disclosure is unrefuted.

5. In short, the Disclosure demonstrates that despite having many companies, some of which are non-marital assets, those companies do not produce the income as suggested by the Wife’s counsel. Moreover, the income as provided in the Disclosure does not meet the present financial support and obligations of the Husband and Wife as currently required the May Order. Specifically, the Disclosure unequivocally demonstrate that the Husband is insolvent, manages debt payments in excess of his income, is subject to demands from lenders and IRS (**Exhibit “A”**), and is potentially bankrupt.

6. The Husband respectfully requests the Court to consider the consequences of the May Order. The May Order requires the Husband to pay the wife (cash and payments) approximately \$8,500.00 dollars a month. Assuming the Husband is entitled to the same monthly allowance plus his \$2,000.00 per month in child support from a prior marriage, the May Order forces the Husband to make payments in the amount of \$18,000.00 per month – after tax which is the equivalent of approximately \$26,000.00 a month in pre-tax income or \$312,000.00 per year in income.

7. Again, the May Order essentially imposed family monthly payments equal to an annual income of \$312,000.00 – all being imputed to the Husband which is a false reality. This Disclosure and all other financial documents submitted by the Husband in this case do not support the requirements of the May Order.

8. As testified at the May hearing the Husband’s business are essentially insolvent, riddled with debt that exceeds revenues leaving the Husband with no ability to pay the Monthly Support as required by the May Order.

9. Based upon the Disclosures and other affidavits provided to this Court: (i) the Husband's a net monthly income of \$7107.99; (ii) a monthly Deficit of (-\$5,433.07); and (iii) Total Net Worth of (-\$675,192.16) (**Exhibit "B"**).

10. Based on the Husband's 2020 Tax Return, the taxable income was \$132,079.00 (**Exhibit "C"**).

11. To further support the assertion that the Husband's income does not support the May Order, the Husband's 2021 Tax Returns were just finalized showing 2021 Net annual as negative <-\$17, 123.00> (**Exhibit "D"**).

12. In 2021, the parties entered into an agreement resolving many of the issues in this divorce proceeding (**Exhibit "E"**, the "Dissolution Agreement"). Since the effective date of the Dissolution Agreement through the date of filing this Motion, the evidence shows that the Wife (i) has not been employed, (ii) has not applied for any job, and (iii) has not attempted to make any money for herself. As such, the Wife remains entrenched in the notion that the Husband should be solely responsible for her income and financial wellbeing.

13. As a result, the Husband respectfully request that the Court modify the May Order for temporary support and enter an amended order awarding the Wife Monthly Support payment in the amount of two thousand (\$2,000.00) to pay for all her living expenses and one thousand dollars (\$1,000.00) per month as child support.

WHEREAS, Respondent respectfully requests entry of an Order Modifying the Temporary Relief Order dated May 9, 2022 as to the amount of support, and such other relief the Court may deem appropriate.

VERIFICATION

Under the penalties of perjury, I declare that I have read the foregoing and the facts alleged are true, to the best of my knowledge and belief.



JOSEPH F. MULLINS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been electronically filed on this 2nd day of August 2022 and delivered via eservice to: Kenneth D. Morse, Esquire, (kdm@morselaw.com; LeAnn@morselaw.com; kristy@morselaw.com)

CHIUMENTO LAW, PLLC

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