

February 2013

Issue: 10

Welcome to Hogwash!

Greetings!

Welcome to the latest issue of Hogwash!

If you have a minute to [email us](#), we'd love to hear from you with your feedback on what you'd like to see in Hogwash.

Divorce and Spousal Support

It's a regrettable fact that early in each new year, many spouses take action to divorce. Whether they decided to "just get through the holidays," or the stress of family gatherings just put them "over the edge," it is the most common time of year to file.

In many cases, a great uncertainty, and source of stress and anxiety, is spousal support (often called "alimony" in the past). Will I have to write a check every month for the rest of my life? Will my spousal support payment be enough for me to be financially stable?

Unlike child support, in Michigan there is no formula for spousal support. A divorce court should consider the following factors (or at least, those that are relevant to the circumstances of the case):



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Words of Wisdom

It's so much easier to suggest solutions when you don't know too much about the problem.
- *Malcolm Forbes*

If you believe everything you read, better not read.
- *Japanese Proverb*

Either this man is dead or my watch has stopped.
- *Groucho Marx*

Also:

Q: How does an attorney sleep?

A: First he lies on one side, then he lies on the other.

1. The past relations and conduct of the parties.
2. The length of the marriage.
3. The ability of the parties to work.
4. The source of and amount of property awarded to the parties.
5. The age of the parties.
6. The ability of the parties to pay alimony.
7. The present situation of the parties.
8. The needs of the parties.
9. The health of the parties.
10. The prior standard of living of the parties and whether either is responsible of the support of others.
11. General principles of equity.

Each case is unique, and each comes with its own uncertainty. But, there are "rules of thumb" and even statewide trends. And, as you can guess, that last factor can be considered a "catch all" for a judge to take nearly anything into account.

Spousal support is not favored as generally as it once was, in most courts. With more and more two-income households, and fewer and fewer 35-year marriages with a stay-at-home mom, fewer judges issue large spousal support awards as a matter of course. For most courts in Michigan, if the marriage does not last 10 years, a claim for spousal support will probably not be given serious consideration, unless there are unusual extenuating circumstances (such as debilitating health issues).

But, in the "right" case (or "wrong" one, depending on your perspective), "the conduct of the parties" (for instance, hiding income and assets, mistreatment of the claiming spouse, and a string of extramarital affairs) could motivate a Court to issue a substantial spousal award. And, that spousal support is in addition to the Court's division of marital property (which might also favor the claiming spouse).

So, what is the rule for spousal support in Michigan? There isn't one . . . but we can say this: in terms of duration and amount, spousal support awards are not, on the whole, as big as they once were. A divorcing spouse should plan to rely more upon her own income, after the divorce, than was common in the past. This conclusion is important to keep in mind in settlement discussions and decisions regarding which spouse receives what property, and whether that property can be used to generate income for either spouse after the divorce.

Q: How many lawyer jokes are there?

A: Only three. The rest are true ...

If you have a joke or a pun you'd like to share with our newsletter audience, please email it to info@rosigardner.com



Gary's Hot Toddy Recipe

Our bonus recipe this month is a favorite hot toddy recipe to warm you up after a sojourn into winter's cold or put you to sleep on a restless night. Here's Gary's step by step process. Enjoy!

1. Start a pot of water heating
2. Squeeze 1/8 - 1/4 fresh lemon into a good-sized mug
3. Add a heaping spoonful of powdered sugar, and swirl/blend together, while heating the water
4. When the water is hot add a little to the lemon-sugar mixture and swirl/blend
5. Add a generous shot of bourbon whiskey
6. Fill mug with hot water

Laughter brings one close to the Gods

"Surely you jest," one may ask when considering the broad social merits of litigation initiated recently. According to the Chicago Tribune of January 24,

"Complaints that Subway's "footlong" sandwiches don't quite measure up have stretched all the way from Australia, across the

Internet and this week into courts in New Jersey and Chicago," seeking both class action status and damages in the millions because of Subway's "pattern of fraudulent, deceptive and otherwise improper advertising, sales and marketing practices." The plaintiffs' lawyer's reasoning, quoted by the Tribune, is "This is no different than if you bought a dozen eggs and they gave you 11 or you bought a dozen doughnuts and they gave you 11. Here, you bought a dozen inches of sandwich and you got less than 11. It's no different, and yet you're paying for 12."



The internet and consequently the dramatically smaller world appears to have been the match that ignited the "spark " of legal genius. The Tribune reported that a picture of an Australian teen measuring his "footlong" Subway sandwich to be only 11 inches went viral the prior week. We shall all have to wait, "on pins and needles" to see if justice will be done.

On the other hand, if the 'footlong" sandwich actually measured 13 inches, and one only wanted to buy a "footlong" - 12 inch - sandwich, would there be a legal claim? Suppose a customer who regularly ate at Subway, regularly ordered footlong sandwiches, considering that was consistent with his or her weight loss regimen. When the pounds failed to come off, should the unhappy customer claim the failure was the result of Subway's "pattern of fraudulent, deceptive and otherwise improper advertising, sales and marketing practices?" After all, in understating the length, it encouraged its customers to order and eat footlong sandwiches, resulting in the regular and unanticipated ingestion of about 8% more bread and ingredients and consequently more calories than the diet plan permitted.

And what about the local watering hole that advertised "Beer by the Yard?" Has anyone measured either the length of the glass - 36 inches? or the depth of the beer in the glass? Perhaps a deviation for either measurement will spark another exploration of the frontiers of the law.

Alas, those matters must await resolution another day.

7. Grate fresh nutmeg on top.
8. Inhale, sip, and then sleep.

For Pete's Sake Celebrate in February!

February is a month filled with holidays! We start the month with Groundhog Day, hoping that Punxsutawney Phil won't see his shadow - as he didn't this year - and we'll have a short winter.

Celebrations for love blossom on Valentine's Day, February 14, then on February 18 we celebrate President's Day. The holiday was originally established in 1885 in recognition of President George Washington. Until 1971 this holiday was celebrated on Washington's Birthday, February 22. With the Uniform Monday Holiday Act it was changed to the third Monday in February and is now viewed as a day to celebrate all U.S. Presidents. Some considered the change a way to recognize Abraham Lincoln who was born on February 12.

But those aren't the only holidays we celebrate in February. Wellcat Holidays, creators of 80 special holidays have developed special holidays for every month of the year. Two of those particularly grabbed our attention.

On February 22 we celebrate For the Love of Mike Day. It's a great time to ask the question "Who is Mike and why are we supposed to love him?"

Just a few days later - on February 26 we For Pete's Sake Day. When this day rolls around, ask yourself "Who is Pete and why do we do - or not do - things for his sake?"



Karen's At Home Cookin'



Fresh Fish for Dinner.

My family likes fresh fish from inland lakes. We grew up eating cisco, perch, walleye, smelt, pike, blue gill and trout. It seems a bit harder these days to catch fish. Summers go by too fast and my husband has given up on ice fishing (too cold he says!). I went shopping the other night at a local grocery store and saw mostly farm raised fish. I decided to try something with the wild caught cod. It seems we only have cod deep fried at the all-you-can-eat-specials . . . so this is

what I came up with as a healthier, tastier alternative. Light the candles, pour the wine and enjoy.

Baked Fish with Orange Sauce

Ingredients:

Cod fillets cut into individual serving sizes

Italian seasoned bread crumbs

Milk sprinkled with lots of dill, salt and pepper

Sauce: orange juice, butter, brown sugar and hot pepper flakes

Dip the cod into the milk, then roll into the bread crumbs. Place on an oiled pan and bake for 20 minutes or so at 325°. While the fish is cooking prepare the sauce. Melt 1/2 stick of butter and stir in

1/3 cup of orange juice, 1 tbsp of brown sugar and hot pepper flakes (to your taste). When the fish comes out of the oven, pour the sauce on the fish. This is very nice served on a bed of sweet brown rice. Garnish with fresh cilantro or Italian parsley, and an extra drizzle of orange juice.

Side Dishes

- * Baked potatoes topped with sour cream and cilantro pesto. To make pesto: blend a bunch of fresh cilantro with pumpkin or sunflower seeds, garlic cloves, lime juice, olive oil and parmesan cheese.
- * Thinly sliced red cabbage and red onions sauteed in balsamic vinegar and olive oil.
- * Extra sharp cheddar cheese with warmed wheat rolls.
- * Sweet potato fries: Slice up the sweet potatoes, drizzle with sunflower oil and bake at 350° for 30 minutes or until done to your liking. Mix cilantro pesto with mayo for dipping.
- * Fruit salad: Mix banana slices, orange sections, apple slices and grapes (whatever you've got available). Mix together a dressing of plain Greek yogurt, lemon juice, honey and cinnamon. Drizzle on fruit.

Start the New Year with a New Plan

If one of your New Year's resolutions was to get your affairs in order and make or update your estate plan, now is the time to schedule an appointment with us.

Until February 28, 2013 we're offering an incentive for you to get started on your estate planning needs. There's no better time to give us a call. Schedule an appointment with us in January or February and you'll get 15% off your bill.

Why not pick up the phone and call us today at [231-709-4895](tel:231-709-4895). You'll be glad you did and your loved ones will appreciate your care and concern for them.

Offer Expires: February 28th 2013

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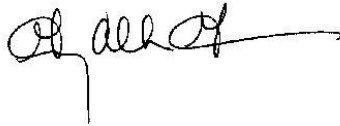
Website

Philip R. Rosi

A handwritten signature in black ink that reads "Philip R. Rosi". The letters are cursive and fluid, with a prominent initial "P".

Email Philip

Gary Allen Gardner

A handwritten signature in black ink that reads "Gary Allen Gardner". The signature is cursive and includes a long horizontal flourish at the end.

Email Gary

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