

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF BLUE EARTH

FIFTH JUDICIAL DISTRICT

FAMILY COURT DIVISION

Case Type: Dissolution with Children

Court File No.: 07-FA-17-3863

In Re the Marriage of:

Andrew Lowe Billett,

Petitioner,

**ANDREW BILLETT'S AFFIDAVIT IN
SUPPORT OF TERMINATING OR
MODIFYING RESPONDENT'S SPOUSAL
MAINTENANCE**

and

Ruth Anne Billett,
n/k/a RuthAnne Maihan Billett
Respondent.

COMES NOW Andrew Lowe Billett, having been duly sworn, upon oath, respectfully states and alleges as follows:

1. My name is Andrew Lowe Billett and I am giving this Affidavit in support of my Motion to Terminate or Modify Respondent's spousal maintenance.
2. On March 6 and 7, 2019, our dissolution came before the Honorable Gregory J. Anderson for a bench trial. Respondent and I agreed on joint legal custody, Respondent having sole physical custody, and parenting time but tried the issue of spousal maintenance.
3. On July 8, 2019, the Court ordered me to pay \$2550 per month in spousal maintenance, \$1225 per month in child support with a PICS of 69%, and a payment of attorney's fees based on a transfer from his 401(k).
4. On August 6, 2019, Respondent moved for amended findings or a new trial, which I opposed.

5. On October 25, 2019, the Court denied Respondent's motion for amended findings or a new trial in its entirety.
6. On December 13, 2019, Respondent appealed the earlier decisions. I cross-appealed on the issue of attorney's fees and spousal maintenance.
7. On December 21, 2020, the Court of Appeals affirmed the trial court on all issues.
8. I am asking the court to modify the current spousal maintenance obligation because I believe Respondent is capable of self-support. I base this position on Respondent now having a full time job and having different living expenses based on where she is living and the potential sharing of household expenses.

CHANGES TO RESPONDENT'S INCOME

9. When the Court ordered spousal maintenance, it left open the possibility that the award could be modified because there was uncertainty regarding the Respondent's ability to re-enter the workforce. In 2021, I believed Respondent had moved to Arizona and obtained employment. Based on publicly available information I located online, it appeared that Respondent was working for the State of Arizona making approximately \$75,000 per year. This is substantially more than the court opined she could make in the future.
10. At that point, I contacted Mr. Kohlmeyer who then sent discovery requests to Ms. Peterson on 09/09/2022 (**Exhibit 1**). Ms. Peterson provided an initial response to those requests on 10/11/22 (**Exhibit 2**) and a supplementary response on 11/18/22 (**Exhibit 3**). Through these responses, it was confirmed that Respondent was indeed employed by the State of Arizona with a reported salary of \$75,000 per year. Many of the additional

requests regarding Respondent's income and employment benefits were unanswered or answered incompletely, including providing copies of Respondent's paystubs for the past three years and details regarding the benefits available to Respondent as a state employee. Therefore, while I believe she is probably now making more than \$75,000 because of standard pay increases and likely has access to robust benefits, I cannot confirm this without Respondent's compliance with discovery requests. I have resubmitted them to Respondent and hopefully will not need another motion to compel to get the information, but do not have the information at this time.

RESPONDENT'S LIVING SITUATION

11. As the court may recall, Respondent was living in North Carolina and has since moved to Arizona. I don't know when this move took place as Respondent never notified me, but I'm guessing it likely coincides with our son beginning college in Arizona. Respondent has not provided me with her address and went to the trouble of redacting her address on multiple documents she sent during discovery, including the one paystub she provided and her lease agreement. I'm not sure why she would do that unless she is hiding her living arrangement or something else.
12. Respondent provided a budget as part of discovery but did not provide documentation to support these expenses and did not indicate whether any of the expenses were shared with another person. I believe that to be relevant because I think Respondent has a roommate whose income is helping with some of her monthly bills and expenses.

13. Therefore, based on Respondent's significant change in income, her new employment, relocation, cohabitation and potential for shared expenses, combined with an increase in my expenses, I believe the Court should modify the current order regarding spousal support.

I DECLARE UNDER PENALTY OF PERJURY THAT EVERYTHING I HAVE STATED IN THIS DOCUMENT IS TRUE AND CORRECT.

Dated: Feb 16, 2023


Andrew Billett (Feb 16, 2023 09:53 CST)

Andrew Lowe Billett







2023-02-16 Affidavit of Andrew

Final Audit Report

2023-02-16

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