

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,

and

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

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

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

1. 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.
3. On July 8, 2019, the Court ordered me to pay \$2250 per month in spousal maintenance, \$1225 per month in child support with a PICS of 69%, and a payment of attorney's fees. This amount has increased to \$2,315 with cost-of-living increases.
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 supposal maintenance.
7. On December 21, 2020, the Court of Appeals affirmed the trial court on all issues.

CHANGES TO JOBS AND INCOME

8. Over the last two years, I have made career decisions to attempt to meet my current budgetary concerns while also providing for our son and Respondent. After our divorce was finalized, I sought to further my career by seeking employment outside of Minnesota.
9. After a job search, I left Taylor Corporation where I was as a General Manager and Company President after 23 years of employment in July 2019 for a new position with CustomInk. This position offered a higher salary and more room for professional development than my previous role.
10. At CustomInk, my annual salary was \$183,000. This was my pay rate until the COVID-19 pandemic in 2020.
11. CustomInk's sales dropped by 80% due to the COVID-19 pandemic. The company furloughed (without pay) approximately 80% of its workforce. The company undertook drastic pay cuts, some than 50%, to the remaining managers. Like many businesses across the United States and the world, in response to the pandemic beginning in spring 2020, my then-employer CustomInk placed me on furlough several times and lowered my salary to 72% of what I was making pre-COVID to \$112,500.

12. In 2020, I undertook another job search with the purpose of increasing my income to meet my monthly obligations. This job search took me from Virginia to Pennsylvania. In July 2020, I accepted employment at Chewy.com to join the company as an assistant general manager.
13. My starting salary at Chewy.com was initially \$145,000. During this time at Chewy, it was a struggle to make ends meet on the lower salary and increased monthly expenses. As a result, I agreed to relocate once again from Pennsylvania to Missouri to assist Chewy in opening a new Fulfillment Center and my new wage was \$160,000. **(See Exhibit 1).**
14. My current monthly expenses are \$7554 per month. This is higher than the expenses the Court used when determining the appropriate amount of spousal maintenance for the Respondent where the Court calculated my expenses at \$3653 per month. **(See Exhibit 2).**
15. My partner Heather and I live try to live as frugally as much as possible given our budgetary concerns. Given the multiple career changes and relocations for jobs, I cannot afford to pay my current spousal maintenance order while still covering my own reasonable monthly expenses.

RESPONDENT'S JOB IN ARIZONA

16. Respondent works or recently-worked at a well-paying job in Arizona. From publicly available information online, in 2021 she worked at the Department of Revenue as a Programmer Analyst earning \$75,000 per year. **(See Exhibit 3).** This has also been confirmed by Respondent's partial response to discovery with a paystub. **(See Exhibit 4).**

17. According to the Arizona Department of Administration Human Resources website, the salary range for a Programmer Analyst with the Department of Revenue starts at \$49,028 and increases to maximum of \$99,940. **(See Exhibit 5).**
18. According to ZipRecruiter, the average salary in Arizona is \$52,774. **(See Exhibit 6).**
19. Respondent's salary of \$75,000 is higher than the average salary in Arizona of \$52,774.
20. At a salary of \$75,000, and possible future raises up to \$99,940, I believe Respondent's salary is sufficient to meet her needs and she no longer requires the same level of spousal maintenance she once did when there was uncertainty regarding her future income potential. Respondent's job also provides very good state government benefits.
21. Further, at our Court trial Mark Raderstorf, a vocational expert, estimated that Respondent could obtain a job in the IT field earning approximately \$40,000 per year within one to three months in the Twin Cities metro area. A salary at that level would gross \$3,333 per month. Her current salary is now almost double what the vocational expert believed she could earn when re-entering the workforce.
22. This is substantial change in circumstances from the time the Court issued its order because when the Court issued its order Respondent was unemployed and a stay-at-home mother.
23. When the Court ordered spousal maintenance, it left open the possibility the award could be modified because there was uncertainty regarding the Respondent's ability to re-enter the workforce. Any uncertainty has been cleared up by Respondent's known re-entry into the workforce in 2021 at a salary of \$75,000 per year.

RESPONDENT'S RECENT MOVE FROM NORTH CAROLINA TO ARIZONA

24. Respondent recently moved to Arizona. North Carolina and Arizona are near opposite coasts of the United States. These states are roughly 2000 miles away. According to several Internet searches, the cost of such a move could range between \$3,460 to \$11,220 depending on movers, possessions, and fuel costs.
25. Respondent's move demonstrates that she can meet her daily needs while providing excess income to fund a cross-country move.
26. Further, our son is now in college and is not a minor. Respondent is not the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home. This is a substantial change in circumstances in Respondent's household from when the Court issued its spousal maintenance award. **(SEE EXHIBIT 7).**

RESPONDENT'S LIVING SITUATION AND EXPENSES

27. In her limited discovery responses, Respondent submitted expenses that total \$8,630 per month. Respondent's reasonable expenses the Court found when it entered the spousal maintenance order were \$4,812.23. The current monthly expense number far exceeds the standard of living expenses that were established during the marriage of \$4,812.23. This is a difference of \$3,817.77 per month for expenses than she had during the marriage. I believe these expenses are unreasonable as they are almost double what they were during the marriage.
28. I request the Court terminate or modify the current spousal maintenance order due to the life changes that have occurred since the Court issued its order.

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

3/21/2023

Dated: _____


ID ft5dbTmg72QxpJTcbvZCy794

Andrew Lowe Billett

eSignature Details

Signer ID:	ft5dbTwg72QxpjTcbvZCy794
Signed by:	Andrew Lowe Billett
Sent to email:	andyb08@outlook.com
IP Address:	192.189.112.5
Signed at:	Mar 21 2023, 9:40 am CDT