# EVIDENTIARY MATRIX: FINANCIAL ABANDONMENT & PRESERVATION CREDITS

## PROPERTY DETAILS

Address: 246 N. 3rd St, Unit #4CD, Philadelphia, PA

Type: 1,400 sqft, 2BR/2BA Condominium, Old City Philadelphia

Acquisition Date: April 15, 2022 (Joint Marital Property)

Current Value: $389,900 (Listed April 10, 2025)

Monthly Expenses: $3,300+ (Mortgage, HOA, Taxes, Insurance, Utilities)

## FINANCIAL CONTRIBUTION TIMELINE

Date Range | Stephen's Contribution | Melissa's Contribution | Stephen's % | Melissa's % | Notes  
-------------------------------------------------------------------------------------------------------------  
HVAC Replacement (Jul 2023) | $12,000 | $0 | 100% | 0% | Emergency repair paid solely by Stephen  
Oct 2023 - Sep 2024 | $8,400 | $7,000 | 54.5% | 45.5% | Rental period net loss after income  
Oct 2024 - Apr 2025 | $23,100 | $0 | 100% | 0% | 7 months × $3,300 = $23,100  
Bridge Loan (Jan 3, 2025) | $12,500 | $0 | 100% | 0% | Loan exhausted Mar 16, 2025  
Standing HVAC Credit | $12,000 | $0 | 100% | 0% | Major capital improvement  
TOTAL CONTRIBUTIONS | $55,900 | $7,000 | 88.9% | 11.1% |

## PRESERVATION CREDIT ANALYSIS

Stephen's Preservation Actions:  
- Financial Contributions: $55,900 total (88.9% of all expenses)  
- Bridge Loan: Personally obtained $12,500 loan to prevent early foreclosure  
- Property Management: Managed tenant, repairs, and vacancy transition  
- Sale Efforts: Coordinated listing, showings, and price reductions  
- Foreclosure Prevention: Active efforts to prevent loss of marital asset  
  
Melissa's Abandonment Actions:  
- Zero Contributions: No financial support since October 2024 despite employment  
- Insurance Termination: Cut Stephen's health insurance during active PTSD treatment  
- Communication Refusal: No response to financial emergency communications  
- Sale Obstruction: [Document any actions hindering property sale]  
- Financial Capacity: Employed full-time as nurse with regular income since December 2024

## LEGAL PRECEDENT ANALYSIS

Preservation Credit Precedents:  
- Biese v. Biese, 979 A.2d 892 (Pa. Super. 2009)  
 > Holding: Spouse who pays to maintain marital property post-separation entitled to credit  
 > Application: Stephen's 88.9% financial contribution entitles him to preservation credits  
  
- Martin v. Martin, 900 A.2d 360 (Pa. 2006)  
 > Holding: Disproportionate contribution to preserve marital assets should be credited  
 > Application: Stephen's sole funding of property expenses deserves credit beyond 50%  
  
- Middleton v. Middleton, 812 A.2d 1241 (Pa. Super. 2002)  
 > Holding: Court may award credits for necessary payments that preserve marital assets  
 > Application: Stephen's bridge loan and ongoing payments prevented asset loss  
  
Financial Abandonment Doctrine:  
- Johnston v. Johnston, 864 A.2d 1272 (Pa. Super. 2004)  
 > Holding: Failure to contribute to preservation of marital assets considered in distribution  
 > Application: Melissa's 0% contribution since October 2024 constitutes abandonment  
  
- 23 Pa.C.S. § 3502(a)(7)  
 > Statute: Courts must consider "contribution or dissipation of each party" to marital property  
 > Application: 88.9% vs. 11.1% contribution disparity requires adjustment

## FINANCIAL CALCULATIONS

Basic Preservation Credit Calculation:  
- Total Property Expenses: $62,900  
- Stephen's Contribution: $55,900 (88.9%)  
- Melissa's Contribution: $7,000 (11.1%)  
- Contribution Difference: 77.8%  
  
Advanced Credit Calculations:  
- Standard 50/50 Split Adjustment:  
 > Stephen overpaid by: $24,450  
 > Melissa underpaid by: $24,450  
  
- With Interest (3% Simple):  
 > Stephen's credit with interest: $25,183.50  
  
- Ongoing Monthly Inequity:  
 > Monthly property costs: $3,300  
 > Stephen's burden: $3,300  
 > Melissa's fair share: $1,650  
 > Monthly inequity: $1,650

## TRIPLE NECESSITY FRAMEWORK

1. Disability Emergency:  
- Diagnosis: PTSD/ADHD (documented March 26, 2024)  
- Treatment Status: Ongoing, interrupted by insurance termination  
- Income: None due to disability  
- Insurance: Terminated August 2024  
  
2. Financial Emergency:  
- Bridge Loan: $12,500 obtained January 3, 2025  
- Exhausted: March 16, 2025  
- No income or reserves; monthly deficit $3,300+  
  
3. Legal Emergency:  
- Foreclosure Risk: Begins April 16, 2025  
- Property Value at Risk: $389,900  
- Equity at Risk: [Insert calculation]  
- Time Sensitivity: Immediate intervention required

## EQUITABLE DISTRIBUTION IMPACT ANALYSIS

Standard Distribution Scenario:  
- Property Value: $389,900  
- Equal Split: $194,950 each  
  
Preservation-Adjusted Distribution:  
- Stephen: $219,400 (56.3%)  
- Melissa: $170,500 (43.7%)  
  
Foreclosure Scenario (No Intervention):  
- Lost Equity: [Insert current equity]  
- Stephen's Loss: $55,900  
- Melissa's Loss: $7,000  
- Additional: Foreclosure costs, credit impact

## HEALTH INSURANCE TERMINATION IMPACT

Financial Impact:  
- Premium Costs: [Insert COBRA/Marketplace costs]  
- Treatment Interruptions: [Insert documentation]  
- Medication Costs: [Insert receipts]  
  
Medical Impact:  
- PTSD Treatment: Interrupted  
- Condition Management: Deteriorated  
- Recovery Timeline: Extended

## SETTLEMENT POSITION ANALYSIS

Minimum Settlement Terms:  
- 50/50 expense sharing forward  
- $24,450 reimbursement  
- Health insurance reinstated  
- $12,000 HVAC credit recognized  
  
Ideal Settlement Terms:  
- 50/50 sharing forward  
- $24,450 + interest reimbursement  
- Insurance + damages  
- $12,000 + interest HVAC credit  
- Bridge loan compensation  
- Higher equity share

## VISUAL TIMELINE: FINANCIAL ABANDONMENT PATTERN

[This section includes timeline highlights:]  
- Apr 2022: Property acquisition  
- Jul 2023: HVAC replacement  
- Oct 2023 – Sep 2024: Rental period  
- Mar 2024: Home invasion/disability  
- Aug 2024: Insurance termination  
- Oct 2024 – Present: Vacancy with Stephen’s sole contributions  
- Jan–Mar 2025: Bridge loan period  
- Apr 16, 2025: Foreclosure risk begins

## DOCUMENTATION INVENTORY

Financial:  
- Deed, mortgage, HOA, HVAC invoice, bridge loan, tax, insurance, rent docs  
  
Medical:  
- PTSD/ADHD diagnosis, treatment records, insurance termination, COBRA docs  
  
Communication:  
- Emails, texts, agent emails, foreclosure notices, resolution attempts

## STRATEGIC RECOMMENDATIONS

- Emergency Motion: Secure interim sharing order  
- Documentation Protocol: Log and receipt every expense  
- Communication: Centralize and document all exchanges  
- Health Insurance Claim: Isolate for separate demand  
- Expert: Use financial expert to validate claims  
- Settlement Range: Define minimum/ideal outcomes  
- Trial Prep: Structure matrix for evidentiary foundation