

**QUESTION 14 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V
OR IN SOFTEST ANSWER SCREEN 14**

After a divorce trial, the circuit judge made the following factual findings and awards:

"Mr. and Mrs. Baker have been married 32 years and their marital estate is being divided evenly by the court. Mrs. Baker has taught school for 12 years, and is earning \$57,000 per year with excellent benefits. Mr. Baker has operated his own thriving newspaper business, earning approximately \$150,000 annually. The court awards him the business in its entirety, while Mrs. Baker is to receive the parties' newly remodeled home. The Bakers are in their late 50's, and they both enjoy good health. The court orders Mr. Baker to pay Mrs. Baker \$3,000 per month in spousal support for 15 years."

After the judgment was entered, things changed quickly. Mr. Baker did not anticipate how technology would impact demand for his print daily newspaper. With readers turning to online publications, circulation and readership dropped and advertisers followed suit. As a result, Mr. Baker's annual income went from \$150,000 to \$100,000 within 18 months after the judgment was entered, and then to \$75,000 a year later. He had already emptied his 401k retirement fund and had to sell his newspaper company. The proceeds from the sale only covered the outstanding debts, but the new owner of the paper allowed him to stay with the paper for only three years at an annual salary of \$75,000. At 66, he would begin receiving monthly social security benefits in the amount of \$2,300. He received no health care benefits so he had to buy health insurance himself, which was unfortunate because his once robust health was deteriorating.

Mrs. Baker was going in the opposite direction. She had retired and was receiving nearly \$30,000 per year in pension benefits and her 401k account produced an additional \$6,000 annually. Mrs. Baker was in superb health and led a Yoga class which generated \$4,000 annually. She was also lecturing for which she was receiving approximately \$12,000 per year. All told, Mrs. Baker was earning approximately \$52,000 per year (not counting spousal support) from post-retirement activities. Her health care benefits package was exceptional, at no cost.

Based on the foregoing, Mr. Baker has filed a motion to amend the divorce judgment to eliminate his spousal support obligations. What should the court consider and how should the court rule in deciding Mr. Baker's motion? Explain your answers.

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