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Maryland

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September 2012

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Business Law
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Estate Planning
Family Law
Juvenile Law
Personal Injury
Pre-nuptial Agreements
Traffic Law
Wills
Workers' Compensation

THE COSTS OF DIVORCE

Investing in Your Divorce

Divorce is not a small matter because it typically affects issues of child support, alimony, and division of marital property. Since it can be a time consuming and expensive matter, you should spend lots of time to protect what you hope to gain from the divorce, whether it is alimony, personal property, real property, etc. An investment of your time and financial resources may be required in order to protect the money you will receive in child support and/or alimony and in the division of marital property. Having sufficient financial resources so that you can properly have your divorce litigated is important. However, it is prudent to also invest your time in order to protect things that you are interested in saving. For example, in regard to alimony, you must keep receipts and records of your expenses so that your monthly expenses can be quantified and an alimony figure can be produced. It is the same also for determining child support and a marital property division. You have to take the time to collect records, receipts, or any other documentation so you can protect these assets and ensure you are getting the money to which you are entitled.



How do I find out how much my monthly expenses are?

The simplest way to calculate your monthly expenses is to complete the Domestic Relations Form 31 (Dom Rel 31) located on the Maryland circuit court website. When a Plaintiff or Defendant seeks child support and/or alimony, this is the form that is required by the court. It lays out all of your assets, property, incomes, expenses, etc. At your initial hearing for a divorce, called a Master's hearing, this form is going to be reviewed by the Master (who gives recommendations to a judge who can then put the recommendations into an order). The Master will look at this form to determine if alimony should be granted based upon the discrepancies in income and expenses between the spouses. This

form is also used at other stages of the divorce process and in evaluation of the merits at trial. As you can see, this form is essential and helpful as you begin preparing for a divorce. In order to best fill out this form, you should begin saving all of your receipts early on so that you can get a sense of your monthly expenses. When Fred Antenberg advises clients about tracking their financial expenses for a month, he says "If you went to your employer to get reimbursed for an expense, would they trust your word or would they want a receipt?" If you have your receipts, then at court a master or a judge, like an employer, will be provided with sufficient evidence to grant your "reimbursement", also known as alimony and child support.

**Fred Antenberg handles
family law and other
matters in the Howard
County and Central
Maryland region. Call
Fred to help you with
your divorce at
410-730-4404.**

**READ ON AT
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Evidence Destroyed?... Not So Fast

What happens if someone destroys evidence in your case?

According to Maryland Rules of Evidence, if someone who has access to relevant evidence in your case destroys or fails to produce the evidence, then you may argue to the jury that they may infer that the evidence would have been unfavorable to the party who destroyed or failed to produce it. In other words, a party cannot destroy or hide evidence that is

unfavorable to them just so they may win their case. This is unfair to the other party. In order to protect justice in your case, the judicial system allows an inference to be made that the evidence was unfavorable; however this inference cannot be found as fact. It is merely an inference that the fact is there. It cannot prove that fact. People are under a duty to preserve evidence once an allegation of wrong doing has been made. Therefore, if this duty is not upheld sanctions are enforced. Don't worry if you think you can't prove your case because someone destroyed or failed to preserve evidence. There is an alternative!

Alternatively, it is important that if you are involved in a crime or an accident

that you are careful to not destroy any possible evidence or traces of evidence, whether they would help your case or hurt your case. It takes an understanding of the law to evaluate any possible evidence. An experienced attorney can help assess the situation, look at all the facts and the evidence, and create a strategy to best represent you in your case, whether you need a defense or are building a case against someone else. As you read above, accidentally destroying evidence, whether it was helpful or damaging to your case, could be skewed negatively if argued well by an opposing attorney.

COMES SEE COLUMBIA!!!

As you know, our firm practices out of the great city of Columbia, having been there for over 30 years. Located near major Maryland roads and highways such as I-95, B/W Parkway, US 29, and I 70, people from all over the state have easy access to everything this community has to offer. As Columbia continues to grow, more and more people are experiencing everything the city has to offer, and the rest of the state and nation have noticed as well. Look at what Columbia has been recognized for over the past few years:

Second Best Place to Live (jointly with Ellicott City) - *Money Magazine (2010)*

Eight Best Place to Live (jointly with Ellicott City) - *Money Magazine (2008)*

Seventh Best Town Town to Live Well - *Forbes Magazine (2009)*

Eight Best City to Date a Nerd - *Match.com (2011)*

Tenth Best Perfect Suburb - *CNBC (2011)*

Sixteenth Smartest Community in the U.S. - *Baltimore Business Journal (2011)*

Seventeenth Best Place to Raise a Family - *Forbes Magazine (2008)*

Best Neighborhood for the Money - *Daily Finance (2010)*

Columbia is placed perfectly on the outskirts of Baltimore. Constantly growing, Columbia offers more sites and scenes for all visitors, and is in a great position between two nationally known cities. Friends and family visiting have easy access to the Inner Harbour of downtown Baltimore, as well as being a short drive away from our nation's capital. The local businesses and great communities have made this city a place to be seen, and we hope it continues to grow and strive...

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Breathalyzer Refusal Admissibility

In Maryland evidence of refusal to take a breathalyzer test is admissible only where it is material and relevant to a matter other than guilt or innocence. Something is material and relevant when it pertains to proving your case in the court of law. Without the evidence, it would be much harder to prove your case and it is important to what specifically is trying to be proven, such as if you were intoxicated or not. However, this notion that it cannot be used to prove guilt or innocence means refusal cannot be used to show that you must have been guilty or else you would have taken the test. Refusal could be used to show something

like you were awake because if you were asleep you wouldn't have been able to refuse. This, however, is a very particular type case that could get the refusal in and is not the norm.

Also there can be no inference or presumption based on the fact that you refused to submit to a breathalyzer test. Again, the judge cannot assume you would have blown over the State's alcohol limit just because you refused to take a breathalyzer.

In most states this is not the case. Therefore, if you are stopped and forced to take a breathalyzer, you have every right to deny without the presumption that you are guilty. We saw in a previous article that you cannot be forced to consent to a breathalyzer, unlike in other states such as Washington.

When you are asked to take the police breathalyzer, you are also entitled to an attorney and your attorney can come to the police station with a portable breathalyzer and conduct a test. In

deciding whether or not to call an attorney like Fred Antenberg to come and administer a **portable** breathalyzer, it might be wise to have it done because it will show your level of intoxication at the police station. If you call Fred and he is available, he can come to the police station and administer a portable breathalyzer test and use the results as evidence of your level of intoxication at that time. This is a safe way to know you have the evidence and that, if the result is bad, the State cannot use it against you in court.

Now we know not only that you can't be forced to take a breathalyzer but this refusal cannot be used as evidence against you in the court of law.



PLAYOFF BOUND?!?!?!?

Baltimore Orioles	76	59	.563	--	37-30	39-29	581	600	-19	Won 3	8-2
New York Yankees	76	59	.563	--	41-28	35-31	642	559	+83	Lost 3	3-7

The O's continue to hang on to a playoff spot as the last month of the season approaches. Keep on cheering on our team and hope we have baseball to watch in October!!!

Sun, Sep 9	vs NY Yankees	1:35 PM	Fri, Sep 21	@ Boston	7:10 PM
Tue, Sep 11	vs Tampa Bay	7:05 PM	Sat, Sep 22	@ Boston	1:10 PM
Wed, Sep 12	vs Tampa Bay	7:05 PM	Sun, Sep 23	@ Boston	1:35 PM
Thu, Sep 13	vs Tampa Bay	12:35 PM	Mon, Sep 24	vs Toronto	4:05 PM
Fri, Sep 14	@ Oakland	10:05 PM	Mon, Sep 24	vs Toronto	7:05 PM
Sat, Sep 15	@ Oakland	9:05 PM	Tue, Sep 25	vs Toronto	7:05 PM
Sun, Sep 16	@ Oakland	4:05 PM	Wed, Sep 26	vs Toronto	7:05 PM
Mon, Sep 17	@ Seattle	10:10 PM	Fri, Sep 28	vs Boston	7:05 PM
Tue, Sep 18	@ Seattle	10:10 PM	Sat, Sep 29	vs Boston	7:05 PM
Wed, Sep 19	@ Seattle	10:10 PM	Sun, Sep 30	vs Boston	1:35 PM

Mon, Oct 1 @ Tampa Bay 7:10 PM

Tue, Oct 2 @ Tampa Bay 7:10 PM

Wed, Oct 3 @ Tampa Bay 07:10 PM



RAVENS ARE BACK!

1 Mon, Sep 10 Cincinnati 7:00 PM
2 Sun, Sep 16 at Philadelphia 1:00 PM
3 Sun, Sep 23 New England 8:20 PM
4 Thu, Sep 27 Cleveland 8:20 PM
5 Sun, Oct 7 at Kansas City 1:00 PM
6 Sun, Oct 14 Dallas 1:00 PM
7 Sun, Oct 21 at Houston 1:00 PM
8 *Bye
9 Sun, Nov 4 at Cleveland 1:00 PM

10 Sun, Nov 11 Oakland 1:00 PM
11 Sun, Nov 18 at Pittsburgh 8:20 PM
12 Sun, Nov 25 at San Diego 4:05 PM
13 Sun, Dec 2 Pittsburgh 4:15 PM
14 Sun, Dec 9 at Washington 1:00 PM
15 Sun, Dec 16 Denver 1:00 PM
16 Sun, Dec 23 NY Giants 1:00 PM
17 Sun, Dec 30 at Cincinnati 1:00 PM

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