

**IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI
ASSOCIATE DIVISION**

In Re the Marriage of:)	
)	
John C. Russwurm,)	
SSN: xxx-xx-5883,)	
)	Petitioner,
vs.)	Case No. 15AF-CC00559
Barbara L. Figaro,)	
SSN: xxx-xx-8139,)	
)	Respondent.

**MOTION AND AFFIDAVIT FOR TEMPORARY ATTORNEY FEES AND COSTS, AND
FOR TEMPORARY USE OF MARITAL HOME OR, IN THE ALTERNATIVE, FOR
TEMPORARY MAINTENANCE**

COMES NOW Respondent, Barbara L. Figaro (“Respondent” or “Movant”), by and through her attorney, Daniel D. Brogdon, and for her Motion for Temporary Attorney Fees and Costs, and for Temporary Use of Marital Home or, in the Alternative, for Temporary Maintenance (“Motion”) states as follows:

1. Movant is the Respondent in an original action for dissolution pending before this Court, which was filed on July 7, 2015.
2. Respondent was personally served with process on July 14, 2015.
3. The parties were married on August 4, 1984.
4. There are no minor, unemancipated children born of the marriage;
5. Petitioner and Respondent are both retired;

REQUEST FOR ATTORNEY’S FEES

6. Section 452.355, authorizes the Court to apportion attorney’s fees and costs;
7. The financial resources of the parties, the merits of the case, and the actions of the parties during the pendency of the action, support an award of attorney’s fees to be paid by Petitioner

to Respondent. Such action is included, but not limited to, the following:

- a. Petitioner's retirement income is substantially larger than that of Respondent;
- b. Petitioner waited until Respondent travelled to New Jersey for her brother's funeral to file the Petition for Dissolution of Marriage, had Respondent served in New Jersey, and has now advised her that she is not allowed to return to the marital residence;
- c. Petitioner's actions have forced Respondent to incur substantial attorney's fees;

REQUEST FOR TEMPORARY USE OF MARITAL RESIDENCE OR, IN THE ALTERNATIVE, FOR TEMPORARY MAINTENANCE

8. Section 452.315.2, authorizes the Court to enter an order permitting a party temporary use of the marital residence;

9. Section 452.315 authorizes the Court to enter an order requiring a party to pay temporary maintenance to the other;

10. Respondent realleges the allegations contained in Paragraphs 1 through 9 of this Motion and incorporates said allegations herein;

11. The marital residence, located at 200 Sunview Road, Hollister, Missouri, was purchased by the parties using funds obtained from the sale of Respondent's nonmarital residence;

12. Respondent continues to pay for expenses associated with the marital residence;

13. Respondent did not abandon the marital residence, but instead travelled to Virginia to be with her brother, who was on life support;

14. On July 6, 2014, Respondent's brother passed away;

15. On or about that date, Petitioner advised Respondent via text message that he had

obtained a court order prohibiting her from returning to the marital residence;

16. Should the Court not award the use of the marital residence to Respondent, then Respondent will lack sufficient property to meet her reasonable needs, as she will have nowhere to live upon her return to Missouri;

WHEREFORE, Respondent prays for an Order of this Court requiring Petitioner to pay a reasonable sum as and for Respondent's attorney fees, suit monies and costs of this proceeding; that Respondent be granted exclusive use of the marital home pending final determination of the case or, in the alternative, to be awarded temporary maintenance; and for such other relief the Court deems just and proper.

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ATTORNEY FOR RESPONDENT

N.J.
STATE OF MISSOURI)
)ss.
COUNTY OF OCEAN)

COMES NOW Barbara L. Figaro, Respondent, being first duly sworn according to law, and states that she has read the foregoing Motion and states that the facts contained therein are true and correct according to her best knowledge, information and belief.

Barbara L. Figaro
Barbara L. Figaro

Subscribed and sworn to before me this 23rd day of July, 2015.

Joann Charney
Notary Public

My commission expires:
12/17/17

JOANN CHARNEY
Notary Public
State of New Jersey
My Commission Expires Dec. 17, 2017
I.D.# 2367966