

ORDER of Roger W. Daley, J.S.C.
Superior Court of New Jersey
Chancery Division, Family Part
Middlesex County Family Courthouse
120 New Street, P.O. Box 2691
New Brunswick, NJ 08903

FILED

JUN 04 2007

HON. ROGER W. DALEY

Jodi Billias (f/k/a Jodi Miller),

Plaintiff

v.

Cary Miller,

Defendant

: SUPERIOR COURT OF NEW JERSEY
: CHANCERY DIVISION, FAMILY PART
: MIDDLESEX COUNTY

: Docket No. FM-12-1902-97 J

: Civil Action

: ORDER

THIS MATTER having come before the Honorable Roger W. Daley on the 1st day of June, 2007, by way of Notice of Motion filed by the Plaintiff, Jodi Billias (f/k/a Jodi Miller), and Cross Motion having been filed by the Attorney for the Defendant, David Perry Davis, Esq., and the Court having been satisfied that all parties have received Notice of this Motion, and the Court having considered the pleadings submitted and for good cause shown;

IT IS ON THIS 4th day of June, 2007,

ORDERED:

AS TO THE PLAINTIFF'S MOTION

1. The Plaintiff's request that the Court compel the Defendant to contribute towards the college expenses for the parties' son, Zachary, is GRANTED.

Upon first reviewing the parties' Property Settlement Agreement ("PSA"), this Court's initial impression was that the parties did not intend for the Defendant to contribute solely to Zachary's college tuition and not to room and board expenses. After further review of this case's

history, the Defendant's thought processes appear consistent with his understanding that he would indeed bargain in such a way. The Court now requires the Defendant to contribute towards tuition costs by his proportionate share, as per this Court's April 5, 2007 Order.

The Defendant's contribution towards Zachary's college expenses shall apply to the cost of New Jersey in-state tuition less financial aid. The Court uses the tuition of Rutgers, the State University of New Jersey, for purposes of determining the Defendant's obligation.

The April 2007 Order noted that an incoming in-state full-time student would pay \$7,927 in academic year prices at Rutgers University of New Brunswick, New Jersey for the 2003-2004 academic year (\$6,290.00 in tuition and \$1,637.00 in academic fees). The National Center for Education Statistics reports that the academic year prices for the 2004-2005, 2005-2006, and 2006-2007 academic years at Rutgers University of New Brunswick, New Jersey are \$8,564.00, \$9,221.00, and \$9,958.00, respectively. Therefore, the total cost for a full-time in-state student attending Rutgers University of New Brunswick between the Fall of 2003 and the Spring of 2007 would pay a total of \$35,670.00 ($\$7,927.00 + \$8,564.00 + \$9,221.00 + \$9,958.00$) in tuition and academic fees, not including room and board and other college-related expenses.

The Plaintiff indicates that Zachary purchased a computer and a car with the money that he received for his Bar Mitzvah. Given that the Court lacks a full accounting as to the gratuitous monies received by Zachary for his Bar Mitzvah, the Court imputes an amount of \$3,000.00 and finds that the parties are responsible in their proportionate shares for the total tuition of \$32,670.00 ($\$35,670.00 - \$3,000.00$, reflecting a set off for the gifts received by Zachary for his Bar Mitzvah).

This Court's April 2007 Order established the Defendant's proportionate share at seventy (70%) percent. Accordingly, the Defendant is ORDERED to pay the Plaintiff in the amount of \$22,869.00, reflecting his proportionate share of \$32,670.00, within ninety (90) days of this

Order.

2. The Plaintiff's request that the Court compel the Defendant to pay child support is DENIED WITHOUT PREJUDICE. Zachary shall be deemed emancipated by this Order; thus, the Court declines from requiring the Defendant to pay child support payments that would have accrued after Zachary's emancipation date.

3. The Plaintiff's request that the Court increase the amount by which the Defendant has been ordered to contribute towards Zachary's college tuition is DENIED. The Defendant shall contribute towards Zachary's tuition as specified above in Paragraph 1.

AS TO THE DEFENDANT'S CROSS MOTION

1. The Defendant's request that the Court sanction the Plaintiff for exposing the parties' children to a convicted sex offender and instructing the parties' son, Zachary, to lie about this to the Defendant, is DENIED. The Court lacks sufficient information to grant the Defendant's request.

2. The Defendant's request that the Court emancipate the parties' son, Zachary, is GRANTED. Given that Zachary is twenty-two (22) years old and has completed all of his undergraduate coursework, he shall be deemed emancipated as of June 8, 2007, the date of his college graduation. The Probation Department is instructed to modify Account CS53409473A consistent with this Order.

3. The Defendant's request that the Court sanction the Plaintiff for filing another Motion without complying with the Court's previous Orders is DENIED.

4. The Defendant's request that the Court affirm that the Defendant is only obligated to contribute towards Zachary's tuition costs, and not room and board costs, is GRANTED. See Paragraph 1 above as to the Plaintiff's Motion.

5. The Defendant's request that the Court re-open equitable distribution provisions and

allow the Defendant to seek a share of equity in the marital residence, pension, and other assets,
is DENIED.

IT IS FURTHER ORDERED that a copy of this Order shall be served upon all parties
and/or their attorneys of record within seven (7) days of the date of this Order.



ROGER W. DALEY, J.S.C.