

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, FAMILY PART
HUNTERDON COUNTY, NEW JERSEY
DOCKET NO. HNT-EM-~~XXXXXXXXXX~~
A.D. # _____

~~XXXXXXXXXX~~,)
Plaintiff,) TRANSCRIPT
v.) OF
~~XXXXXXXXXX~~) HEARING
Defendant.)

Place: Justice Center
65 Park Avenue
Flemington, NJ 08822

Date: February 5, 2010

BEFORE:

THE HON. ANN BARTLETT, J.S.C.

TRANSCRIPT ORDERED BY:

DAVID PERRY DAVIS, ESQ.

APPEARANCES:

DAVID PERRY DAVIS, ESQ.
Attorney for the Plaintiff

JOHN WA~~XXXXXXXXXX~~, Pro Se

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[Handwritten signature]
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1 support arrearages or the ongoing support. Mr. Davis,
 2 I understand that he owes your client all those things,
 3 but if it's not there, it's not there and the reality
 4 of this is, you and your client have to start
 5 prioritizing what your -- your demanding. Okay?
 6 MR. DAVIS: Judge, it's just my client is
 7 fully disabled. She's trying to raise their child and
 8 -- and she's out of money and -- and they're looking --
 9 MR. ~~WALSH~~: My client makes more money --
 10 MR. DAVIS: -- at losing their home. The
 11 child needs to eat.
 12 MR. ~~WALSH~~: -- than I do per month. She
 13 pulls in \$3,000 a month.
 14 THE COURT: All right.
 15 MR. ~~WALSH~~: Now, she gets my 1,500
 16 unemployment. So, that's 4,500 a month and I live on
 17 850.
 18 THE COURT: All right, Mr. ~~WALSH~~. Just let
 19 Mr. Davis finish a sentence.
 20 MR. DAVIS: Judge, there's also the issue
 21 that -- that a car was purchased. That a perfectly
 22 sound mechanical car sound -- mechanically sound car
 23 was sold and a \$12,000 BMW was purchased. Mr. ~~WALSH~~
 24 --
 25 MR. ~~WALSH~~: Do you have evidence that that

1 car was perfectly sound, Mr. Davis?
 2 MR. DAVIS: A 12,000 --
 3 THE COURT: All right. Mr. ~~WALSH~~ --
 4 MR. ~~WALSH~~: I have evidence that --
 5 THE COURT: Mr. ~~WALSH~~, you'll get a chance
 6 to respond. Just -- just please don't interrupt.
 7 MR. ~~WALSH~~: Okay.
 8 MR. DAVIS: Judge, even for the sake of
 9 argument if it wasn't mechanically sound and my client
 10 certainly doesn't concede that, to go out and buy an I-
 11 series BMW for \$12,000 when obviously you can buy a
 12 dependable used car for a third of that is yet another
 13 indication of the good or bad faith here, Judge.
 14 MR. DAVIS: I --
 15 MR. ~~WALSH~~: May I speak?
 16 MR. DAVIS: Judge, just so we are clear, he
 17 has consented that Ms. ~~WALSH~~ can -- will be attorney
 18 in fact to get the house on the market and sold?
 19 THE COURT: We --
 20 MR. ~~WALSH~~: I have not.
 21 THE COURT: -- aren't even -- we -- no.
 22 We're not even at that issue yet.
 23 MR. DAVIS: Judge, she had -- did not --
 24 MR. ~~WALSH~~: May I speak to Mr. Davis on his
 25 remarks --

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1 MR. ~~WALSH~~: -- as long as the asking price
 2 --
 3 THE COURT: -- next Friday.
 4 MR. DAVIS: Oh, did he just say he'd agree to
 5 any realtor, Judge?
 6 MR. ~~WALSH~~: Yeah. Any -- any realtor, as
 7 long as the asking price is -- is, you know, probably
 8 10 to 15 percent more than the appraisal value.
 9 THE COURT: All right. Well, if you can't
 10 agree by next Friday, I'm going to appoint somebody and
 11 the house --
 12 MR. ~~WALSH~~: Well, I don't think I'll be
 13 there by next Friday and I --
 14 THE COURT: You can --
 15 MR. ~~WALSH~~: -- it will probably be ten days
 16 before I get there.
 17 THE COURT: -- you can contact Mr. Davis by
 18 phone. You've done this --
 19 MR. ~~WALSH~~: Okay.
 20 THE COURT: -- yesterday --
 21 MR. ~~WALSH~~: Done --
 22 THE COURT: -- in the morning.
 23 MR. ~~WALSH~~: Done.
 24 THE COURT: ~~House to be listed by March 1st,~~
 25 Mr. Davis. That's what Mr. ~~Walsh~~ proposes.

1 MR. DAVIS: Yes?
 2 MS. ~~WALSH~~: Yeah. ←
 3 MR. DAVIS: Yes, Judge.
 4 THE COURT: Okay. All right. Is there any
 5 issues with respect to that -- before you file an order
 6 to show cause, why don't you call each other, Mr. Davis
 7 and Mr. ~~Walsh~~ and set up a conference call with me by
 8 phone. Now -- all right.
 9 MR. DAVIS: All right. Judge, just so -- Mr.
 10 ~~Walsh~~ says he'll be back in ten days. I will be on
 11 vacation from the 13th to the 20th. I'll be in Cuba,
 12 so, I'll be difficult to reach.
 13 THE COURT: All right. But if you and your
 14 client have -- if you and your client have looked over
 15 a listing agreement, it's acceptable to you and your
 16 client, she can sign it and have it ready for Mr.
 17 ~~Walsh~~ when he gets back and Mr. ~~Walsh~~ you can't
 18 modify anything that the other party's already signed.
 19 Just so we're all very clear about what the rules are.
 20 If the --
 21 MR. ~~Walsh~~: Yeah, but I want to make sure
 22 that when the house is appraised, we don't under value
 23 it in the listing.
 24 MR. DAVIS: They have the same interest
 25 there, Judge.