

DOCKET NO: FBTF236121708S

SUPERIOR COURT

ORDER 442324

MORGAN, MICHAEL
V.
WISDOM-MORGAN, VANESSA

JUDICIAL DISTRICT OF BRIDGEPORT
AT BRIDGEPORT

6/6/2024

ORDER

The following order is entered in the above matter:

ORDER:

On May 20, 2024, Michael Morgan ("plaintiff-husband/father") and Vanessa Wisdom Morgan ("defendant-wife/mother") (collectively "the parties") entered into a Separation Agreement ("Agreement") [#115]. On May 21, 2024, the parties were canvassed by their respective counsel on the Agreement. The court adopted the agreement by reference and made it a final Order of the court resolving all issues in the divorce complaint and cross-complaint [#104], except for the division of the marital residence, located at 240 Eagle Street, in Bridgeport, CT ("marital residence"). See Order #115.10. The court also restored the defendant's maiden name to Vanessa Wisdom on the record.

At the parties' request, the court held a trial on only the division of the marital residence on May 21, 2024. Both parties testified and submitted exhibits. Upon careful consideration of the facts agreed to by the parties, of the evidence presented and the pertinent statutory law and the relevant case law, having observed the demeanor and assessed the credibility of the witnesses at trial, and reviewed the admissible exhibits, the court finds and orders as follows as it pertains to the marital residence:

The marital residence is in the plaintiff-husband's name, but the court finds that the parties both purchased the marital residence during the marriage, with down payment funds provided by the plaintiff. The funds used for the downpayment, in the amount of \$7,000 were obtain from the plaintiff's pre-marital assets.

The court finds the couple resided at the marital residence with two children, one of whom is a minor and issue of the marriage. The court finds that during the marriage, both parties contributed equally to the preservation of the marital residence, except for the last two years of the marriage. The court finds that in the last two years, the plaintiff failed to contribute towards the preservation of the marital home despite a court order requiring him to cover the full amount of the mortgage payment. See Wisdom-Morgan v. Morgan, FBTF225050451S, Agreement [#107]; see also Order Regarding Motion for Clarification, dated December 28, 2022, [#111.10]. The plaintiff concedes this point, noting that he owes the plaintiff approximately \$15,798. The defendant claims the plaintiff owes her closer to \$23,885, for the seventeen (17) months he failed to pay the mortgage and comply with the court order. Based on the credible evidence presented at trial, the court agrees with the defendant and finds the defendant is owed \$23,885.

The plaintiff claims the marital residence is worth approximately \$273,400, with a mortgage of \$200,000. The defendant values the property at \$232,000. Based on the credible evidence at trial, the court finds the marital home is worth at least \$273,400. Both parties seek title of marital residence and propose buying out the other party. While the defendant-mother claims she should maintain ownership of the residence because of the minor child, the plaintiff-father has raised several valid concerns related to whether the defendant can feasibly accomplish this in a timely manner.

"The purpose of a property division pursuant to a dissolution proceeding is to unscramble existing

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Judicial Reporter
Dennis A. Bradley, Esq.
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marital property in order to give each spouse his or her equitable share at the time of dissolution.” Smith v. Smith, 249 Conn. 265, 275, 752 A.2d 1023 (1999). Along with other equitable factors, “[i]n fixing the nature and value of the property, if any, to be assigned, the court ... shall consider the length of the marriage, the causes for the ... dissolution of the marriage ... the age, health, station, occupation, amount and sources of income, earning capacity, vocational skills, education, employability, estate, liabilities and needs of each of the parties and the opportunity of each for future acquisition of capital assets and income. The court shall also consider the contribution of each of the parties in the acquisition, preservation or appreciation in value of their respective estates.” General Statutes § 46b-81(c).

After considering the aforementioned factors, the court finds that given the parties’ equal contribution to the marital residence, it would be fair and equitable and in the best interest of the minor child for marital home to be sold immediately, and for the proceeds to be split equally, after the defendant is paid \$16,885. This amount represents the \$23,885 the plaintiff owes the defendant, minus the \$7,000 downpayment the plaintiff used to buy the property. Until the marital residence is sold, the parties shall equally split the cost of the mortgage and insurance. The defendant will be solely responsible for all utilities and maintenance costs associated with the residence. Both parties will be equally responsible for listing and negotiating the sale of the residence. The defendant shall ensure the property is accessible and available for showings and shall cooperate with all timely requests to gain access to the property. Both parties shall fully cooperate with the sale of the property. Nothing in this order shall be construed to prohibit the property from being sold to any bona fide buyer the parties mutually agree upon, including but not limited to any agent of the defendant or member of the defendant’s family. Non-compliance with this order will result in sanctions, including but not limited to an award of attorney’s fees.

It is so ordered.

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Judge: NDIDI N MOSES

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.