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1) The Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/101 et seq.)

a) Initial meeting with client – Determining Grounds and Issues

- i) Grounds for Dissolution of Marriage (Divorce) (Section 401 of the IMDMA)
 - (1) No Fault – Irreconcilable Differences
 - (a) 2 year separation period, without waiver of 2 year period signed by parties
 - (b) 6 month waiting period with waiver (new law proposes to do away with this period)
 - (c) No fault grounds favored by Judges
 - (i) Less acrimony between parties
 - (ii) Disposes of one major issue immediately
 - (iii)Speeds up resolution of case
 - (2) Fault Grounds – One spouse charges the other spouse of wrongdoing
 - (a) No waiting period to obtain dissolution of marriage
 - (b) Grounds
 - (i) Impotence
 - (ii) Concurrent marriage to another party (possibility of annulment)
 - (iii)Adultery
 - (iv)Desertion for a period of one year or longer
 - (v) Habitual drunkenness or addiction to drugs for a space of 2 years or longer
 - (vi)Attempted murder of the filing spouse
 - (vii) Physical cruelty
 - (viii) Mental cruelty
 - (ix)Conviction of felony or other infamous crime
 - (x) Infecting filing spouse with a sexually transmitted disease
 - (c) The party seeking dissolution must prove grounds
 - (d) Fault grounds commonly plead in the alternative when 2 year separation period has not expired
- ii) Issues in a Dissolution Action – Very General
 - (1) Children
 - (a) Custody
 - (b) Visitation
 - (2) Division of Property

- (a) What is Marital Property (Section 503 of the IMDMA)
 - (i) all property acquired by either spouse after the marriage and before a judgment of dissolution of marriage or declaration of invalidity of marriage, including non-marital property transferred into some form of co-ownership between the spouses, is presumed to be marital property, regardless of whether title is held individually or by the spouses in some form of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or community property. The presumption of marital property is overcome by a showing that the property was acquired by a method listed in Paragraph 3, below.
 - (ii) all pension benefits (including pension benefits under the Illinois Pension Code) acquired by either spouse after the marriage and before a judgment of dissolution of marriage or declaration of invalidity of the marriage are presumed to be marital property, regardless of which spouse participates in the pension plan. The presumption that these pension benefits are marital property is overcome by a showing that the pension benefits were acquired by a method listed in Paragraph 3, below.
- (b) What is Non-Marital Property
 - (i) Property acquired by gift, legacy or descent;
 - (ii) Property acquired in exchange for property acquired before the marriage or in exchange for property acquired by gift, legacy or descent;
 - (iii) Property acquired by a spouse after a judgment of legal separation;
 - (iv) Property excluded by valid agreement of the parties;
 - (v) Any judgment or property obtained by judgment awarded to a spouse from the other spouse;
 - (vi) Property acquired before the marriage;
 - (vii) The increase in value of property acquired by a method listed above.
 - (viii) Income from property acquired by a method listed above that is not attributable to the personal efforts of the spouse.

b) Basic Pleadings

- i) Petition for Dissolution of Marriage (PDOM)
 - (1) The PDOM must contain, at the very minimum, the following:
 - (a) The age, occupation and residence of each party and his length of residence in this State;
 - (b) The date of the marriage and the place at which it was registered;
 - (c) Whether a petition for dissolution of marriage is pending in any other county or state;
 - (d) That Jurisdictional requirements have been met and that there exist grounds for dissolution of marriage; The petitioner need only allege the name of the

particular grounds relied upon, which shall constitute a legally sufficient allegation of the grounds; and the respondent shall be entitled to demand a bill of particulars prior to trial setting forth the facts constituting the grounds, if he so chooses;

- (e) The names, ages and addresses of all living children of the marriage and whether the wife is pregnant;
- (f) Any arrangement as to support, custody and visitation of the children and maintenance of a spouse;
- (g) The relief sought.

(2) Should you file first?

(3) Jurisdictional requirements

- (a) The court shall enter a judgment of dissolution of marriage if at the time the action was commenced one of the spouses was a resident of this State or was stationed in this State while a member of the armed services, and the residence or military presence had been maintained for 90 days next preceding the commencement of the action or the making of the finding

(4) Grounds for Divorce

(5) Stay imposed Restraining any person from transferring, encumbering, concealing or otherwise disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained, requiring him to notify the moving party and his attorney of any proposed extraordinary expenditures made after the order is issued; Enjoining a party from removing a child from the jurisdiction of the court; and restraining both parties from physically abusing, harassing, intimidating, striking, or interfering with the personal liberty of the other party or the minor children of their party.

ii) Service of Process

- (1) Easier and quicker to retain the services of a special process server
- (2) No requirement to first make diligent service effort through sheriff
- (3) Routine Motion to Appoint special process server (See attached)

iii) Response to Petition for Dissolution v. Counter-Petition for Dissolution of Marriage

- (1) Problem arises if petitioning spouse dismisses action

iv) Motion for Default Prove-up if served party does not file appearance or answer

- (1) Prepare Default Judgment for Dissolution of Marriage
- (2) Good practice to send a copy of it to the opposing party with notice of default prove-up.

v) Petitions for Temporary Relief (Section 501 of the IMDMA)

- (1) Require Affidavit and 13.3.1 Asset Disclosure Statement where financial relief is sought
- (2) Petition for Temporary Child Support (Section 505 of the IMDMA)
 - (a) Retroactive to the date of filing of Petition

- (b) Guideline Support
 - (i) One Child – 20% of Net Income
 - (ii) Two Children – 28% of Net Income
 - (iii) Three Children – 32 % of Net Income
 - (iv) Four Children – 40%
 - (v) Five Children – 45%
 - (vi) Six Children – 50%
- (c) What is “net income”
 - (i) Net income is defined as the total of all income from all sources, minus the following deductions:
 - 1. Federal income tax
 - 2. State income tax
 - 3. Social Security
 - 4. Union dues
 - 5. Dependent and individual health/hospitalization insurance premiums
 - 6. Prior obligations of support or maintenance actually paid pursuant to a court order
 - 7. Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and the other parent, exclusive of gift.
- (d) Some qualify for Deviation from Guidelines
 - (i) Factors:
 - 1. the financial resources and needs of the child;
 - 2. the financial resources and needs of the custodial parent;
 - 3. the standard of living the child would have enjoyed had the marriage not been dissolved;
 - 4. the physical and emotional condition of the child, and his educational needs; and
 - 5. the financial resources and needs of the non-custodial parent.
 - (ii) Deviation is rare and must be in the best interest of the child.
- (e) Termination of child support
 - (i) Emancipation of child
 - 1. The child attaining the age of eighteen (18) or graduation from high school, whichever occurs last but no later than 19.
 - 2. A child having a permanent residence away from the permanent residence of the mother. A residence at a boarding school, camp, college or trade school is not deemed a residence away from the permanent residence of the custodial parent.
 - 3. The child's death.

4. Entry into the armed forces of the United States.
 5. The child obtains full time employment, except employment during school vacations or recess periods.
- (f) First in time
- (i) If non-custodial parent has two or more families, the first family would receive, for example, 20% of his net income if there is one child, the family second in time would receive, for example, 20% of the remainder after subtraction of the first 20%, and so forth.
- (3) Petition to Abate Support because of lack of employment
- (a) If payor is unemployed, court can order payor to to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order.
 - (b) Retroactive to the date of filing of Petition
- (4) Petition for Temporary Maintenance (and Permanent Maintenance) (Section 504)
- (a) Factors considered:
- (i) The income and property of each party, including marital property apportioned and non-marital property assigned to the party seeking maintenance;
 - (ii) the needs of each party;
 - (iii) the present and future earning capacity of each party;
 - (iv) any impairment of the present and future earning capacity of the party seeking maintenance due to that party devoting time to domestic duties or having forgone or delayed education, training, employment, or career opportunities due to the marriage;
 - (v) the time necessary to enable the party seeking maintenance to acquire appropriate education, training, and employment, and whether that party is able to support himself or herself through appropriate employment or is the custodian of a child making it appropriate that the custodian not seek employment;
 - (vi) the standard of living established during the marriage;
 - (vii) the duration of the marriage;
 - (viii) the age and the physical and emotional condition of both parties;
 - (ix) the tax consequences of the property division upon the respective economic circumstances of the parties;
 - (x) contributions and services by the party seeking maintenance to the education, training, career or career potential , or license of the other spouse;
 - (xi) any valid agreement of the parties; and,
 - (xii) any other factor that the court expressly finds to be just and equitable.

- (b) Unless otherwise agreed by the parties in a written agreement set forth in the judgment or otherwise approved by the court, the obligation to pay future maintenance is terminated upon the death of either party, or the remarriage of the party receiving maintenance, or if the party receiving maintenance cohabits with another person on a resident, continuing conjugal basis.
- (5) Temporary restraining orders and Permanent injunctions (must be supported by an affidavit)
 - (a) Restraining any person from transferring, encumbering, concealing or otherwise disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained, requiring him to notify the moving party and his attorney of any proposed extraordinary expenditures made after the order is issued;
 - (b) Enjoining a party from removing a child from the jurisdiction of the court;
 - (c) Enjoining a party from striking or interfering with the personal liberty of the other party or of any child;
 - (d) Providing other injunctive relief proper in the circumstances;
 - (e) Other appropriate temporary relief.
- (6) Other temporary Relief
 - (a) Exclusive Possession of Residence
 - (b) Return of Property
 - (c) Etc.
- vi) Interim Attorneys fees (Section 501 of the IMDMA)
 - (1) Leveling the playing field
 - (2) Factors:
 - (a) The income and property of each party, including alleged marital property within the sole control of one party and alleged non-marital property within access to a party;
 - (b) The needs of each party;
 - (c) The realistic earning capacity of each party;
 - (d) Any impairment to present earning capacity of either party, including age and physical and emotional health;
 - (e) the standard of living established during the marriage;
 - (f) the degree of complexity of the issues, including including custody, valuation or division (or both) of closely held businesses, and tax planning, as well as reasonable needs for expert investigations or expert witnesses, or both;
 - (g) each party's access to relevant information;
 - (h) the amount of the payment or payments made or reasonably expected to be made to the attorney for the other party;
 - (i) any other factor that the court expressly finds to be just and equitable.

- c) Discovery
 - i) Asset Disclosure Statement pursuant to Local Rules (Cook and all Collier Counties)
 - (1) Practical Point: Parties can waive formal discovery (Interrogatories, Request for Production, Depositions, etc) in the Marital Settlement Agreement. Attorney and client should have a separate release with respect to the waiver of formal discovery and client should be questioned about the waiver at the prove-up hearing.
 - ii) Matrimonial Interrogatories
 - iii) Custody Interrogatories
 - iv) Removal Interrogatories
 - v) Request for Production of Documents
 - vi) Discovery Depositions
 - vii) All other forms of Discovery permitted by Code of Civil Procedure and Ill. Supreme Court Rules
 - (1) e.g. Motion to Admit
- d) Division of Marital Assets (Section 503 of the IMDMA)
 - i) Factors considered by the court
 - (1) The contribution of each party to the acquisition, preservation, or increase or decrease in value of the marital or non-marital property, including (i) any such decrease attributable to a payment deemed to have been an advance from the parties' marital estate under subsection (c-1)(2) of Section 501 and (ii) the contribution of a spouse as a homemaker or to the family unit;
 - (2) The dissipation by each party of the marital or non-marital property;
 - (3) The value of the property assigned to each spouse;
 - (4) The duration of the marriage;
 - (5) The relevant economic circumstances of each spouse when the division of property is to become effective, including the desirability of awarding the family home, or the right to live therein for reasonable periods, to the spouse having custody of the children;
 - (6) Any obligation and rights arising from a prior marriage of either party;
 - (7) Any antenuptial agreement of the parties;
 - (8) The age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, and needs of each of the parties;
 - (9) the custodial provisions for any children;
 - (10) whether the apportionment is in lieu of or in addition to maintenance;
 - (11) the reasonable opportunity of each spouse for future acquisition of capital assets and income; and
 - (12) the tax consequences of the property division upon the respective economic circumstances of the parties.
- e) Custody

- i) Best interest of child(ren) (Section 602 of the IMDMA)
 - (1) Ask client who they want to make custody decisions, parents/judge/child's lawyer/custody evaluator
 - (2) Factors to determine best interest of child
 - (a) The wishes of the child's parent or parents as to his custody;
 - (b) The wishes of the child as to his custodia;
 - (c) The interaction and interrelationships of the child with his parent or parents, his siblings and any other person who may significantly affect the child's best interest;
 - (d) The mental and physical health of all individuals involved;
 - (e) The physical violence or threat of physical violence by the child's potential custodian, whether directed against the child or directed against another person;
 - (f) The occurrence of ongoing or repeated abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, whether directed against the child or directed against another person;
 - (g) The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child;
 - (h) Whether one of the parents is a sex offender.
 - ii) Types of Custody
 - (a) Joint v. Sole v. Hybrid
 - (i) Decision making in the following areas:
 - 1. Education
 - 2. Medical decision
 - 3. Extracurricular activities
 - 4. Religion
 - iii) Temporary until final decree
 - iv) Temporary visitation
 - v) Temporary custody v. temporary possession of child(ren)
 - (1) Common question: can I move out of the house or not?
 - vi) Custody/Visitation Mediation and Focus on Children
- f) Is your case contested or uncontested?
- i) Hearings on any of the aforementioned pleadings/petitions regarding financial matters
 - ii) Custody
 - (1) Appointment of Child Representative v. Guardian Ad Litem (Section 506)
 - (a) Guardian Ad Litem shall testify or submit a written report to the court regarding his or her recommendations in accordance with the best interest of the child. The report shall be made available to all parties. The guardian ad litem may be called as a witness for purposes of cross-examination regarding the guardian ad litem's report or recommendations. The guardian ad litem shall investigate the facts of the case and interview the child and the parties.
 - (b) Child Representative shall advocate what the child representative find to be in the best interests of the child after reviewing the facts and circumstances of the case. The child representative shall meet with the child and the parties,

investigate the facts of the case, and encourage settlement and the use of alternative forms of dispute resolution. The child representative shall have the same authority and obligation to participate in the litigation as does an attorney for a party and shall possess all the powers of investigation as does a guardian ad litem. The child representative shall consider, but not be bound by, the expressed wishes of the child.

- (2) Choice between two depends on strategy of case and whether 604b will be appointed
- (3) 604(b) Custody evaluation (Court's expert)
 - (a) Who pays for the evaluator – depends on the income, usually 50/50
 - (b) Takes approximately 2-4 months
 - (c) Cost ranges from 1.5K – 10K
- (4) 604.5 custody evaluation (Rebuttal expert)
 - (a) Has less credibility because it's a party's hired expert not the court's expert
- iii) Financial issues
 - (1) Forensic financial evaluations
 - (2) Business valuations and experts
- g) Possibility of settlement?
 - i) Pretrial with Judge
 - (1) Preparation of Pretrial Memorandums
 - (2) Must have all discovery completed
 - (3) Judge makes an advisory opinion (discuss)
 - ii) Four way conferences
 - iii) Reconciliation Calendar
 - iv) Prove-up Hearing
 - (1) Review on direct of relevant portions of the settlement agreement
 - (2) Transcript to be filed with the Court Clerk within 30 days.
 - v) Pleadings
 - (1) Marital Settlement Agreement
 - (2) Parenting Agreement
 - (a) Joint Parenting Agreement (Joint Custody)
 - (b) Parenting Agreement (Sole Custody)
 - (c) Hybrid
- h) Trial on Any contested issue not resolved
- i) Post-Decree Litigation
 - i) Modification and termination of provisions for maintenance, support, educational expenses, and property disposition (Section 510 of the IMDMA)
 - (1) Must be showing of a substantial chance in circumstances
 - (2) Types of Motions
 - (a) Petition to Increase Child Support

- (i) Upon information and belief of increased wages
 - (ii) Presumption of greater expenses and cost of maintaining older child
 - (b) Petition to Decrease Child Support
 - (c) Petition to Terminate Child Support
 - (d) Petition to Terminate Maintenance
 - (e) Petition to Extend Maintenance (Where maintenance was reviewable)
 - (f) Petition to Modify Visitation (Expand/Restrict)
 - (g) Petition to Modify Custody
 - (h) Petition for Removal of child from Jurisdiction
 - (i) Etc.
- ii) Petition for College Contribution (Section 513 of the IMDMA)
- (1) Factors Considered:
 - (a) The financial resources of both parents
 - (b) The standard of living the child would have enjoyed had the marriage not been dissolved
 - (c) The financial resources of the child
 - (d) The child's academic performance
 - (2) Interesting final point
 - (a) If the parties stay married, there is no legal duty to pay child's post-high school educational expenses. Once the parties are divorce, Section 513 of the IMDMA imposes that duty on the parents.

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT – DOMESTIC RELATIONS DIVISION**

Atty. No. 46322

IN RE: THE MARRIAGE OF)	
)	
JANE DOE,)	
Petitioner,)	
and)	Case No:
)	
JOHN DOE,)	
Respondent.)	

PETITION FOR DISSOLUTION OF MARRIAGE

NOW COMES the Petitioner, JANE DOE, by and through her Attorneys, DICARO & OSINSKI, LLC, and in support of her Petition for Dissolution of Marriage, and for this cause of action against Respondent, JOHN DOE, respectfully states as follows:

1. That Petitioner is thirty-four (34) years of age and is employed as a _____ with _____. Petitioner resides at _____, City of Palatine, County of Cook, State of Illinois.

2. JANE has been a resident and domiciliary of the County of Cook, City of Palatine, and State of Illinois, for more than ninety (90) days preceding the filing of this Petition.

3. That Respondent is thirty-seven (37) years of age and is employed as a _____ with _____. Respondent resides at _____, City of Norridge, County of Cook, State of Illinois.

4. JOHN has been a resident and domiciliary of the County of Cook, City of Norridge, and State of Illinois, for more than ninety (90) days preceding the filing of this Petition.

5. That the Petitioner and the Respondent were lawfully joined in marriage in the City of Chicago, County of Cook, on _____. That during the time the parties lived and cohabited as man and wife, the Petitioner has faithfully discharged all of her duties as wife, and at all

times treated Respondent with kindness and forbearance.

6. That two children were born to the parties as a result of this marriage; namely, GEORGE DOE, born on November 11, 1998, and presently 11 years of age; and, ROBERT DOE, born on October 26, 2000, and presently 9 years of age. That no other children have been born to or adopted by the parties and Petitioner is not now pregnant.

7. Upon information and belief, no Petition for Dissolution of Marriage is pending between the parties in any other County or State.

8. The parties hereto have lived separate and apart on a continuous basis since November 2009.

9. Irreconcilable differences have caused an irretrievable breakdown of the marriage, the parties' efforts to reconcile have failed, and future attempts at reconciliation would be impracticable and not in the best interests of the family.

10. That there are presently no arrangements between the parties concerning maintenance; care and custody of the minor children; financial support for the care of the minor children; payment of personal, medical and household expenses; or the allocation of the property held by the parties.

11. It is in the best interest of the parties' two minor children that their temporary and permanent joint legal custody be awarded to JANE and JOHN and their residential custody be awarded to JANE and JOHN. JANE and JOHN are fit and proper persons to have the residential custody, care and control of the parties' two minor children.

12. Respondent has sufficient income and means by which to support himself, and, therefore, Respondent should be immediately and permanently barred from seeking maintenance, past, present, and future, from the Petitioner.

13. Respondent should be required to maintain life insurance insuring his life with the

minor children designated as the irrevocable beneficiaries thereon, for so long as he has an obligation to support the children.

14. Petitioner has acquired, both prior to and during the marriage, certain non-marital property, including but not limited to, furniture, furnishings, fixtures, jewelry, clothing, books, albums, tapes, compact discs, photographs, tools and shares of stock, all of which should be awarded to her as her sole and separate property.

15. During the marriage, the parties acquired real estate, including, but not limited to, the marital residence, which is commonly known as _____, Norridge, Illinois. Petitioner should be awarded her fair and equitable share of said property with special equities due to her substantial contributions to the maintenance, appreciation, and preservation of said real estate.

16. That during the marriage the parties acquired certain personal property, including, but not limited to, furniture and furnishings used in, and in connection with, said marital real estate; financial accounts; vehicles; retirement accounts; stocks and bonds; as well as various other assets. Petitioner, through her efforts and frugalities, has greatly contributed to the maintenance, preservation and appreciation in value of all of the assets of the marriage, and is therefore deserving of special equities in these assets.

17. That the parties also acquired debts during the marriage. Petitioner requests that this Court allocate the responsibility for payment of these debts equitably to both parties.

18. Respondent is capable of earning a substantial wage and should be ordered to pay all his own attorneys' fees and costs without any contribution from Petitioner.

WHEREFORE, the Petitioner, JANE DOE, respectfully requests that this Honorable Court enter the following relief:

- A. That this Honorable Court enter an Order granting the dissolution of the parties marriage.

- B. That the Petitioner be awarded her fair, equitable and proper share of all of the marital property of the parties with special equities as a result of her substantial contributions to the maintenance, preservation and appreciation in value of all of these assets.
- C. That Respondent be barred from seeking either temporary or permanent maintenance from the Petitioner, past, present, and future.
- D. That Petitioner be awarded her non-marital property.
- E. That Petitioner and Respondent be awarded the joint legal care, custody, education and control of the parties' minor children, GEORGE DOE and ROBERT DOE.
- F. That Respondent be required to maintain life insurance insuring his life with the minor children designated as the irrevocable beneficiaries thereon, for so long as he has an obligation to support the children.
- G. That this Court allocate the responsibility for payment of marital debts equitably to both parties.
- H. For such other and further relief as this Court deems just and equitable under all of the circumstances of this case.

RESPECTFULLY SUBMITTED,

JANE DOE, Petitioner

DiCaro & Osinski, LLC
Attorneys for Petitioner
134 N. LaSalle St., Ste. 840
Chicago, IL 60602
(312) 961-8823
Attorney Number: 46322

STATE OF ILLINOIS)
) ss:
COUNTY OF COOK)

OATH AND VERIFICATION

I, **JANE DOE**, being first duly sworn upon oath, hereby depose and state that I have read the above and foregoing **Petition for Dissolution of Marriage**, by my hand subscribed, and that the same is true and correct in substance and in fact.

JANE DOE, Petitioner

SUBSCRIBED and SWORN to before me
This _____ day of _____, 2010.

NOTARY PUBLIC

ATTORNEY'S VERIFICATION

I, the undersigned attorney, certify this pleading pursuant to the Illinois Code of Civil Procedure, Section 1-109.

DICARO & OSINSKI, LLC

One of its Attorneys

DICARO & OSINSKI, LLC
Attorneys for Petitioner
134 N. LaSalle St., Ste. 840
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(312) 961-8823
Attorney Number: 46322

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION**

Atty. No. 46322

IN RE: THE MARRIAGE OF)	
)	
JANE DOE,)	
)	
Petitioner,)	
and)	Case No: 09 D 6731
)	
JOHN DOE,)	
)	
Respondent.)	

NOTICE TO PRODUCE

TO: Opposing Counsel

The Petitioner, **JANE DOE**, is hereby requested, pursuant to Supreme Court Rule 214, to produce the following documents for inspection and/or copying at **DiCaro & Osinski, LLC**, 134 N. LaSalle Street , Suite 840, Chicago, Illinois 60602, within twenty-eight (28) days.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, "documents" means any non-privileged writing, graphic matter or other tangible thing, whether printed, recorded, reproduced by any process or written or produced by hand, including, but not limited to, letters, reports, other written communications, including inter-company communications, correspondence, telegrams, memoranda, summaries or records of oral conversations, original or preliminary notes, diaries, calendars, travel records or itineraries, forecasts, analysis, projections, work papers, photographs, tape recordings, models, statistical statements, graphs, charts, plans, drawings, minutes or records of meetings, minutes or records of conferences, expressions or statements of policy, lists of persons attending meetings or conferences, reports and/or summaries of investigations, opinions or reports of consultants, appraisals, valuations, records, reports or summaries of negotiations, contracts, agreements, brochures, pamphlets, advertisements, circulars, trade letters, press releases, invoices and receipts, including preliminary drafts or revisions or copies of any of the foregoing now in the possession, custody or control, your counsel, independent public accountants valuation consultants, agents, employees and/or persons acting on their behalf.

B. As used herein, the term "person" shall include individual partnerships, corporations, firms, proprietorships, federal, state and local governments and their authorities, agencies and departments and other entities.

C. Whenever reference is made herein to any person by name, such reference shall be deemed to include all officers, directors, employees and agents, if any, of such person.

D. As used herein, the term "pertaining to" mean referring to, reflecting or to be related in any way logically or factually to the matter discussed.

E. The period of time encompassed by this request shall be from January 1, 2006, through the date of production of documents produced in response to the request unless otherwise specifically indicated. All requests made herein shall be construed to include any supplemental documents related to these requests which are later discovered by or otherwise come into the possession of the individual defendant.

F. As used herein, the term "identify", when referring to a document shall mean to set forth the following information:

1. Date, identity and general subject matter of the document;
2. Paragraph of this request applicable;
3. Identity of person or persons preparing the document;
4. Identity of any person or persons to whom the contents of the document have already been communicated; and
5. The identity of the person or entity now in possession or control of the documents.

G. You are requested to list all documents for which you claim any privilege (including work product) in your Response to this Notice to Produce and to identify (as defined in "F" above) said documents and state the basis upon which the claim for privilege is being made.

H. In the event that any of the above-described documents are no longer in your possession and control, it is requested that you identify each such document, as defined in "F" above.

DOCUMENTS REQUESTED

1. If you are an officer and/or principal stockholder in a closely-held corporation, or if you own or operate a business as a sole proprietor, a partner or a joint venturer, or if you derive

a significant part of your earned income from a single business activity, provide the following, where applicable:

Partnership agreement(s), joint venture agreement(s) or stockholder agreement(s); corporate minute book, fictitious name statements; general ledger and journals; documents evidencing your capital or other monetary contributions thereto; documents evidencing your receipt of funds therefrom in the last three (3) years to date of production, whether by way of salary, bonus, draw, dividend, allocations of profits or otherwise, including contributions to profit sharing or retirement plans; and appraisals of your interest in each said entity, made at any time in the last three (3) years to date of production.

2. For each interest you have in a partnership, provide the following:

Partnership agreement(s) and amendments, revisions or additions thereto; last three (3) years partnership income tax returns filed; last three (3) years K-1 income tax forms filed and/or received; promissory notes; and appraisals of value of your interest in said partnership, or of value of partnership as a whole or of its underlying assets, made within the last three (3) years to date of production.

3. For each interest you have in stock in closely held corporations, or in stock which is not traded over the counter or on an exchange, provide the following:

Copies of any and all such stock certificates; correspondence from any person or entity which places a value on share of said stock or which contains information which could lead to a valuation of said shares.

4. To the extent not covered in the preceding request, provide copies of your monthly paycheck stubs, indicating gross monthly wages, deductions and net pay, from the last three (3) years through date of production. Also, provide any and all evidence of any wage, bonuses, and commissions and all other sources of monies received for the last three (3) years through date of production.

5. Provide complete copies of the last three (3) years Federal and State personal Income Tax Returns filed by you, including W-2 and/or 1099 forms and all schedules.

6. Provide complete copies of the last three (3) years Federal and State business Tax returns, including all forms and schedules, and any amended tax returns which were filed.

7. Provide copies of each personal financial statement prepared by you or for you within the last three (3) years, whether or not submitted to any bank, savings and loan, or any other financial institution.

8. All loan applications and credit applications from January 1, 2006 through the date of production, made both individually by you, jointly with others, and/or on behalf of any partnership or corporate entity in which you have had an interest, together with all net worth and/or financial statements submitted in conjunction therewith.

9. Any and all documentation evidencing your receipt of inheritance at any time, and disposition of said inheritance.

10. All audit reports issued by the IRS for any tax returns made reference to in this Notice to Produce. These include, but are not limited to Income Tax Examination Changes forms (4540-A), Explanation of Items forms (886-A), and Statement-Income Tax Changes forms (5278) and schedules issued by the IRS.

11. For each Certificate of Deposit, Time Deposit and Money Market Fund shares, and any and all similar instruments owned by you, provide a copy of each document evidencing your interest in said instrument, the amount invested, maturity date and rate of interest.

12. For each checking account currently maintained by you, or in which you currently have (or have had) an interest in for the last three (3) years, provide the following: monthly bank statements, canceled checks, check registers and duplicate deposit slips from the last three (3) years to date of production.

13. For each savings account in which you have deposited money in the last three (3) years, provide the passbook for each said account for the last three (3) years to date of production.

14. For each bank account in any foreign country held by you, or by a person on your behalf, provide all statements of account for the last three (3) years, all passbooks for the last three (3) years and any other documentation relating thereto through the date of production.

15. For each charge card, gasoline card, department store or major credit card account maintained by you, provide a current account statement evidencing the debt balance in each said account and the number of each account.

16. For each debt or obligation (unsecured by real property) which is owed by you to any third person or entity, provide all writings, correspondence, billings, notices or other documents evidencing said debt or obligation, the date incurred, date due and payable, nature of said debt or obligation and defenses to payment or liability thereon.

17. All statements of benefits received for any and all employee benefits, including but not limited to, workmen's compensation, any pension or profit sharing plans in which you are a participant, from January 1, 2006 through the date of production.

18. All deferred compensation agreements between you, your employer, corporation, partnership and/or between you and any other persons or entities which presently exist or which have existed from January 1, 2006 through the date of production.

19. For each Retirement, Pension, Profit Sharing, 401K, Savings, Individual Retirement Accounts and all other retirement plans, provide the following:

- A. Documents reflecting the plan or your benefits.
- B. Any Keogh plans, Individual Retirement Accounts, H.R. 10 plans, annuities and any and all other deferred compensation or retirement instrument.

20. True, correct and complete copies of U.S. 550 forms, together with all schedules and attachments, filed for the period January 1, 2006 through the date of production for any plans wherein you are a participant.

21. Copies of any trust agreements or declarations of trust in existence at any time between January 1, 2006 through the date of production where you are a beneficiary, trustee or a party to the agreement or declaration.

22. Any and all trust agreements, pre-incorporation agreements, partnership agreements, or joint venture agreements by virtue of which you wholly or partially have an interest in any real estate, business enterprise or real estate venture.

23. Any and all documentation, including but not limited to: paid bills, receipts evidencing payment, records of outstanding debts and canceled checks relative to all monthly expenses incurred by you, on behalf of yourself or your children, relating to rent, mortgage payments, real estate taxes, homeowner's insurance, telephone charges, electricity charges, heating or other utility gas charges, automobile expenses, clothing expenses, medical and dental expenses, educational expenses, water, refuse, child care, maid, laundry, dry cleaning and any other living expenses within the past three (3) years.

24. All stock certificates and bonds of any type and U.S. Savings Bonds and for any shares of stock or bonds which are wholly or partially in your name or in the name of a trustee or nominee for your benefit or in your name as trustee and/or custodian for the benefit of a minor. All documents reflecting stock options held by you.

25. All bonds and U.S. Savings Bonds and all options to purchase or sell executed by you or granted to you since January 1, 2006 through the date of production, as option and/or as optionee, either individually or with another or others.

26. For each other parcel of real property, whether improved or unimproved, which is owned wholly, fully or in part by you, or in which you have any option or other interest, provide the following: Deeds, promissory notes, escrow documents, purchase documents, financing documents, tax bills for the last three (3) years through the date of production, documents listing improvements (or value of same) from the date of purchase through the date of production, and appraisals of value made at any time within the last three (3) years through the date of production.

27. For each parcel of real property which you lease, whether for personal or business purposes, provide copies of each such lease.

28. Documents relative to the ownership of any automobiles which you own or which have been operated by you including the title, purchasing documentation, financial documentation and appraisals and loan documentation for the period January 1, 2006 through the date of production.

29. All evidences of money and property received by you by inheritance or gifts since January 1, 2006, including but not limited to, copies of distribution, receipts in probate signed by you or others on your behalf, and all evidences pertaining to the current values.

30. For each policy of life or medical insurance in which you are the named owner or beneficiary, or in which you or your employer pay all or part of the premium, provide a copy of each said policy and any cash surrender value documentation from January 1, 2006 through the date of production.

31. All policies of health insurance, health maintenance organizations (HMO), contracts, summary descriptions of medical benefits provided by employer or health insurance company, premium notices and proof of payment of current premiums and medical identification

card for any health insurance, HMO or similar items providing medical insurance coverage or services for you.

32. Any and all medical reports supporting your contention, if any, that you presently are having or have had in the past a medical problem, evidence of medication taken and documented evidence of physical limitations, disabilities or serious illnesses as a result thereof.

33. All appraisals and insurance policies and/or riders referring or relating to all jewelry, paintings, antiques, furniture and art objects in which you have held an interest, either individually or with others, from January 1, 2006 through the date of production.

34. All evidences of indebtedness reflecting debts owed by you or owed to you.

35. Furnish an affidavit stating that the production made pursuant to this Notice is complete in accordance with the request.

Martin L. Osinski

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3. During the preceding three years, have you had any source of income other than from your employment listed above? If so, with regard to each source of income, state the following:

- a. The source of income, including the type of income and name and address of the source;
- b. The frequency in which you receive income from the source;
- c. The amount of income received by you from the source during the immediately preceding three years; and
- d. The amount of income received by you from the source for each month during the immediately preceding three years.

ANSWER:

4. Do you own any interest in real estate? If so, with regard to each such interest state the following:

- a. The size and description of the parcel of real estate, including improvements thereon;
- b. The name, address and interest of each person who has or claims to have an ownership interest in the parcel of real estate;
- c. The date your interest in the parcel of real estate was acquired;
- d. The consideration you transferred or paid for you interest in the parcel of real estate;
- e. Your estimate of the current fair market value of the parcel of real estate and your interest therein; and
- f. The amount of any indebtedness owed on the parcel of real estate and to whom.

ANSWER:

5. For the preceding three years, list the names and addresses of all associations, partnerships, corporations, enterprises or entities in which you have an interest or claim any interest, the nature of your interest or claim of interest therein, the amount of percentage of your interest or claim of interest therein, and an estimate of the value of your interest therein.

ANSWER:

6. During the preceding three years, have you had any account or investment in any type of financial institution, individually or with another or in the name of another, including checking accounts, savings accounts, certificates of deposit and money market accounts? If so, with regard to each such account or investment, state the following:

- a. The type of account or investment;
- b. The name and address of the financial institution;
- c. The name and address of each person in whose name the account is held; and
- d. Both the high and the low balance of the account or investment, stating the date of the high balance and the date of the low balance.

ANSWER:

7. During the preceding three years, have you been the holder of or had access to any safety deposit boxes? If so, state the following:

- a. The name of the bank or institution where such box is located;
- b. The number of each box;
- c. A description of the contents of each box during the immediately preceding three years and as of the date of the answer; and
- d. The name and address of any joint or co-owners of such safety deposit box or any trustees holding the box for your benefit.

ANSWER:

8. During the immediately preceding three years, has any person or entity held cash property on your behalf? If so, state:

- a. The name and address of the person or entity holding the cash or property; and
- b. The type of cash or property held and the value thereof.

ANSWER:

9. During the preceding three years, have you owned any stocks, bonds, securities or other investments, including savings bonds? If so, with regard to each such stock, bond, security or investment state:

- a. A description of the stock, bond, security or investment;
- b. The name and address of the entity issuing the stock, bond, security or investment;
- c. The present value of such stock, bond, security or investment;
- d. The date of acquisition of the stock, bond, security or investment;
- e. The cost of the stock, bond, security or investment;
- f. The name and address of any other owner or owners in such stock, bond, security or investment; and
- g. If applicable, the date sold and the amount realized therefrom.

ANSWER:

10. Do you own or have any incidents of ownership in any life, annuity or endowment insurance policies? If so, with regard to each such policy state:

- a. The name of the company;
- b. The number of the policy;
- c. The face value of the policy;
- d. The present value of the policy;
- e. The amount of any loan or encumbrance on the policy;
- f. The date of acquisition of the policy; and
- g. With regard to each policy, the beneficiary or beneficiaries.

ANSWER:

11. Do you have any right, title, claim or interest in or to a pension plan, retirement plan or profit sharing plan, including, but not limited to, individual retirement accounts, 401(k) plans and deferred compensation plans? If so, with regard to each such plan state:

- a. The name and address of the entity providing the plan;
- b. The date of your initial participation in the plan; and
- c. The amount of funds currently held on your behalf under the plan.

ANSWER:

12. Do you have any outstanding indebtedness or financial obligations, including mortgages, promissory notes, or other oral or written contracts? If so, with regard to each obligation state the following:

- a. The name and address of the creditor;
- b. The form of the obligation;
- c. The date the obligation was initially incurred;
- d. The amount of the original obligation;
- e. The purpose or consideration for which the obligation was incurred;
- f. A description of any security connected with the obligation;
- g. The rate of interest on the obligation;
- h. The present unpaid balance of the obligation;
- i. The dates and amounts of installment payments; and
- j. The date of maturity of the original obligation.

ANSWER:

13. Are you owed any money or property? If so, state:

- a. The name and address of the debtor;
- b. The form of the obligation;
- c. The date the obligation was initially incurred;
- d. The amount of the original obligation;
- e. The purpose or consideration for which the obligation was incurred;
- f. The description of any security connected with the obligation;
- g. The rate of interest on the obligation;
- h. The present unpaid balance of the obligation;
- i. The dates and amounts of installment payments; and
- j. The date of maturity of the obligation.

ANSWER:

14. State the year, make and model of each motor or motorized vehicle, motor or mobile home and farm machinery or equipment in which you have an ownership, estate, interest or claim of interest, whether individually or with another, and with regard to each item state:

- a. The date the item was acquired;

- b. The consideration paid for the item;
- c. The name and address of each other person who has a right, title, claim or interest in or to the item;
- d. The approximate fair market value of the item; and
- e. The amount of any indebtedness on the item and the name and address of the creditor.

ANSWER:

15. Have you purchased or contributed towards the payment for or provided other consideration or improvement with regard to any real estate, motorized vehicle, financial account or securities, or other property, real or personal, on behalf of another person or entity other than your spouse during the preceding three years. If so, with regard to each such transaction state:

- a. The name and address of the person or entity to whom you contributed;
- b. The type of contribution made by you;
- c. The type of property to which the contribution was made;
- d. The location of the property to which the contribution was made;
- e. Whether or not there is written evidence of the existence of a loan; and
- f. A description of the written evidence.

ANSWER:

16. During the preceding three years, have you made any gift of cash or property, real or personal, to any person or entity not your spouse? If so, with regard to each such transaction state:

- a. A description of the gift;
- b. The value of the gift;
- c. The date of the gift;
- d. The name and address of the person or entity receiving the gift;
- e. Whether or not there is written evidence of the existence of a gift; and
- f. A description of the written evidence.

ANSWER:

17. During the preceding three years, have you made any loans to any person or entity not your spouse and, if so, with regard to each such loan state:

- a. A description of the loan;
- b. The value of the loan;
- c. The date of the loan;
- d. The name and address of the person or entity receiving the loan;
- e. Whether or not there is written evidence of the existence of a loan; and
- f. A description of the written evidence.

ANSWER:

18. During the preceding three years, have you sold, transferred, conveyed, encumbered, concealed, damaged or otherwise disposed of any property owned by you and/or your spouse individually or collectively? If so, with regard to each item of property state:

- a. A description of the property;
- b. The current location of the property;
- c. The purpose or reason for the action taken by you with regard to the property;
- d. The approximate fair market value of the property;
- e. Whether or not there is written evidence of any such transaction; and
- f. A description of the written evidence.

ANSWER:

19. During the preceding three years, have any appraisals been made with regard to any of the property listed by you under your answers to these interrogatories? If so, state:

- a. The name and address of the person conducting each such appraisal;
- b. A description of the property appraised;
- c. The date of the appraisal; and
- d. The location of any copies of each such appraisal.

ANSWER:

20. During the preceding three years, have you prepared or has anyone prepared for you any financial statements, net worth statements or lists of assets and liabilities pertaining to your property or financial affairs? If so, with regard to each such document state:

- a. The name and address of the person preparing each such document;
- b. The type of document prepared;
- c. The date the document was prepared; and
- d. The location of all copies of each such document.

ANSWER:

21. State the name and address of any accountant, tax preparer, bookkeeper and other person, firm or entity who has kept or prepared books, documents and records with regard to your income, property, business or financial affairs during the course of this marriage.

ANSWER:

22. List all non-marital property claimed by you, identifying each item of property as to the type of property, the date received, the basis on which you claim it is non-marital property, its location, and the present value of the property.

ANSWER:

23. List all marital property of this marriage, identifying each item of property as to the type of property, the basis on which you claim it to be marital property, its location, and the present value of the property.

ANSWER:

24. What contribution or dissipation has your spouse made to the marital estate, including but not limited to each of the items or property identified in response to interrogatories No. 22 and No. 23 above, citing specifics, if any, for each item of property?

ANSWER:

25. Are you in any manner incapacitated or limited in your ability to earn income at the present time? If so, define and describe such incapacity or limitation, and state when such incapacity or limitation commenced and when it is expected to end.

ANSWER:

26. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).

ANSWER: