Bill as Introduced

SB 349- AS INTRODUCED

2000 SESSION

00-2651
04/09

SENATE BILL ***349***

AN ACT relative to the sale of the marital residence or other real property in a domestic proceeding.

SPONSORS: Sen. Roberge, Dist 9; Sen. Brown, Dist 17

COMMITTEE: Judiciary

ANALYSIS

This bill would allow the court, in a divorce, separation, or annulment proceeding, to issue an order for temporary relief which would include the sale of the marital residence or other real property, with the prior written consent of both parties.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 349- AS INTRODUCED

00-2651
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to the sale of the marital residence or other real property in a domestic proceeding.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subparagraph; Annulment, Divorce, and Separation; Temporary Relief; Sale of Real Property Added. Amend RSA 458:16, I by inserting after subparagraph (g) the following new subparagraph:

(h) Ordering the sale of the marital residence or other real property held by the parties, provided that both parties have previously filed a written stipulation with the clerk of the court explicitly agreeing to the sale of the property prior to the final hearing on the merits.

2 Effective Date. This act shall take effect January 1, 2001.

Amendments

Sen. Gordon, Dist. 2
February 18, 2000
2000-3536s
04/10

Amendment to SB 349

Amend RSA 458:16, I (h) as inserted by section 1 of the bill by replacing it with the following:

(h) Ordering the sale of the marital residence or other real property held by the parties, provided that both parties have previously filed a written stipulation with the clerk of the court explicitly agreeing to the sale of the property prior to the final hearing on the merits. If the parties have not so stipulated, no temporary order shall be made for the sale of the marital residence or other real property as long as the parties have the financial resources to pay the debts and taxes on the property when due.

2000-3536s

AMENDED ANALYSIS

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IF this amendment is adopted by the Committeé, please deliver to the House Clerk (Room 317) or Senate Clerk (Senate Chamber), the 2 originals and 2 copies.

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Committee Minutes

Date: **February 16, 2000**
Time: **11:56 A.M.**
Room: **103, State House**

The Senate Committee on **Judiciary** held a hearing on the following:

SB 349 ***relative to the sale of the marital residence or other real property in a domestic proceeding.***

Members of Committee:

Senator Pignatelli
Senator Gordon
Senator Brown
Senator Cohen
Senator Eaton
Senator Fernald
Senator Squires
Senator Trombly
Senator Wheeler

The Chair, Senator Debora B. Pignatelli, opened the hearing by introducing Senator Sheila Roberge, prime sponsor of the bill.

Senator Debora B. Pignatelli, D. 13: I'm going to open the hearing on SB349 and call upon the prime sponsor, Senator Roberge.

Senator Sheila Roberge, D. 9: Thank you, Madam Chairman, members of the Committee. I'm Sheila Roberge, representing District 9 in the NH Senate. SB349 rose out of a marital problem, and we'd like to tell you the reason that the issue arose, and we're trying to keep this from happening to anybody else. As so often, something is raised because something has happened to someone and they'd like it not to happen to anybody else in the future if that can possibly happen.

So, with that ... there are several people who really want to speak on this, and so, I will defer to them. Thank you.

Senator Debora B. Pignatelli, D. 13: Thank you for introducing the bill, Senator Roberge. Caroline Douglas? Welcome ...

Attorney Caroline Douglas: Thank you very much, Madam Chairman. I'd like to preface by saying we heard from the NH Women's Lobby just a few minutes ago, in a different bill, and they said that you shouldn't pass legislation that relates to individual people under circumstances. And, I happen to disagree. I think that we have a problem that's broader than individual people, but you're going to hear about it because of two high profile divorce cases.

This bill, I think ... I didn't know it was going to be brought ... I'm sure it's been euphemistically referred to as the *"Thayer Bill"* ... and it relates to the Thayer house. But, since the bill was introduced last week, I went through an eviction and an illegal arrest of me, in my own home ... evicting me from my home ... and this bill applies to me, as well, and my case. I think that there are other cases ... I think the Judge Sullivan case, and perhaps the Judge Thornton case ... will come to light in the months to come, and months that come forward ... whether it's happening to people who are not judges wives. Are we a breed that has become especially articulate, militant, even ... because of what's happened to us, and because of our background? Is it happening to other people? I don't know, but I think it's a serious enough problem that needs to be addressed, whether it's for one citizen, or for five hundred citizens.

I would ask that this bill be approved as written ... with the exception of the final seven words. I think that it needs to say that, "... absent of stipulation by the parties," ...that the home and other real property of the parties should not be sold, unless there's an explicit agreement prior to the final order and judgment. Now, in Mrs. Thayer's case, her home was sold out from under her. And, you'll hear the circumstances of that. I want to tell you the circumstances of mine, as a comparison.

In each case, I believe that my home has been transferred to my husband, prior to the appeal. And, what we have is a judge who has taken away my right of appeal, by writing a tricky order. Judges who abuse their discretion in family law, and divorce cases, are a big problem in NH. I am convinced ...over the last three years ... so much that I have put together a series of vignettes [sic], and I have approximately 90 sneaky judge tricks that I believe, domestic judges and family law judges, do to abuse their power to affect the outcome of the case. To deny people their rights under the law. I think we have a hugely serious problem in NH, and I think that although there's been reform in other states, NH is so slow and provincial in it's reform, that we see the need for micro-management of bills, just like this one.

If you were to look at the statute ... you would think that the power given to the judge is adequate and that you don't need this bill. But, what we're seeing ... is judges who abuse their discretion in the court room. In my particular case, I have a judge who wrote a 28 page order, a final order. Now, I have asked a dozen times that she recuse herself from the case. The previous judge in my case was Judge Nadeau, and I went to the Supreme Court after he refused to recuse himself, and he finally got recused. Because of a semantics trick, he said, I'm not really recused. And, he turned around ...as a recused judge, he's not allowed to take action, but, he turned around and he said, I'm taking off my recused judge hat, and I'm putting on my administrative hat. So, as an administrative judge, I am changing the venue on your case, I'm moving you from Merrimack to Rockingham, and I'm specially assigning this to Patricia Coffee. I have testified again, and again ... and I will continue to testify that Joe Nadeau has a pattern ... I know you don't like this, Senator Wheeler ... but, I specifically address my case, and I name names [sic]. But, I think it's important for you to understand the specifics of it. And, how serious the allegations are. And, I take these very, very, very seriously.

Senator Katherine W. Wheeler, D. 21: I just don't think this is the right forum for that ...

Atty. Caroline Douglas: But, this bill *is important* ... and I think if you don't know the details of this, you won't understand how severe the problem is. There's a pattern where Chief Judge Nadeau takes his administrative hat ... after he's refused, or when he does something improper ... and he transfers this case to Patricia Coffee in Rockingham. And, he's done it in other cases besides mine. And, I've testified at the Executive Council about that, and I've asked them to investigate.

I say it again, and I mean it sincerely ... I think there's impropriety in the assignment of judges in our court, and that's how we end up with these types of abuse in certain high profile cases. In my case, there's a provision in the order that's unique to me, in the whole state ... and that's that I am not allowed to appeal. Paragraph 10 of my order. My order says, not withstanding any appeal, or anything else in this case, the Douglas house will transfer to Mr. Douglas. Now, what's astounding is that the judge in my case heard lots and lots of evidence and testimony that my house has an investment of a half million dollars in it. Chuck and Caroline Douglas invested a half million dollars in it, and Caroline Douglas put 70,000 dollars of her own money into that house. Chuck Douglas didn't invest one dime in that house. I put a 60,000 dollar fee, and I liquidated my IRA, and that was the down payment on the house.

Then, subsequent to that, I took no money for working at our law office. For seven years, I took no money. Some of the money that I drew out of the account, entirely went into the renovation of the house. The house is mortgaged for a quarter of a million dollars. The house has 490,000 dollars worth of investment in it. And, all of this was testimony at trial. So, the judge is aware that there's equity and there's value in the house, even though the appraisal came in low. It's not disputed. She's aware that there's hidden equity in this house, and it's a unique situation.

So, out of all the 28 pages in our order, she took paragraph 10, and said ..."not withstanding any appeal, Caroline Douglas will move out of the house, will assign the house to Chuck Douglas, Chuck Douglas will pay her 7,500 dollars," and by the way she offset that money. I walked away from my divorce, where I have assets that are worth a million and a half to two million dollars, receiving not a dime. I was ordered to pay him 166 dollars. But, the biggest injustice of this whole thing, is that she has taken the issue of the marital home out of the appeal process, and denied me the right to appeal, by forcing ... if I won't sign, then she will appoint a receiver to sign over this house to Chuck Douglas who, within two weeks, will probably have another 200,000 mortgage on the house.

So, even if I win on appeal, I can win on appeal for paragraphs 1 through 68, minus paragraph 10. Paragraph 10, I represent to you, has a monetary value that can be determined. But, I have a judge who has decided in her *discretion,* that I have no right of appeal on paragraph 10. I think that's only one example of a judge who has misused her power. She's not acting on fairness, she misread the evidence. You don't have to hear that ... Senator Wheeler, I just want you to know that it's there. But, I'm not trying to re-try my case. What I'm trying to show you is that we have an active incidence of judges in this state who know that they can't be reviewed by the conduct committee, and the conduct committee wouldn't cover this area anyway. They can't be reviewed on appeal. Especially, paragraph 10 isn't appealable.

So, what we have is a chasm [sic] in the law, the property law. And, we have rights ... we have rights that we're not allowed to exercise ... and an ongoing series of wrongs that are occurring in divorce court, especially in high profile cases, that no one can correct. We can recuse a judge from the case, you can ask them to step down ... I've asked more than a dozen times for this judge to step down, citing all the obvious reasons. Complaints have been filed against her in the CC by others. It's not going to address this issue. Even if my case were to be 100% turned over, and totally reversed, I can never, ever, ever right this wrong of not being able to appeal the house issue. I believe so strongly in it, that I come and testify as an individual and I talk about my case when I see this bill for the Thayer case ... I say, there's a pattern.

And, I don't know how to correct it. I think that this bill, if it were passed with the amendment, that you take out the words, "*...to the final hearing on the merits,*" and change it to say, "*...to the final order and judgment.*" That would preserve all of my rights. I'll tell you, there were five pieces of real estate in my divorce, that were acquired and paid for after we were married. All five pieces were awarded to my husband. Virtually, every asset that we had was valued at zero. Despite the fact that the house in Hopkinton is worth 350 thousand dollars, and the time-shares are worth ... you know, various amounts ... and that I paid 17 thousand dollars for the time share during the marriage. But, every single asset including five pieces of property, were all valued at zero, and awarded to my husband.

That virtually happened, even though it's not real estate, with my law practice. And, I think that what we have is a crisis in the integrity of the court. Where people can't go into court and assume that there's fairness. Ah, I'm a practicing family law attorney, and I'm so discouraged with this system, that I think it's not worthwhile to practice in this state. I think that cases are decided on who you are, and how powerful you are, and whether you're part of a clique. A clique that began about 30 years ago. It doesn't go back forever, but, I think that we are so provincial in this state, and we are so lacking in judicial reform, that what we end up with is a whole series of bills that try to micro-manage the courts because we don't trust their discretion. That's all I have to say.

Senator Debora B. Pignatelli, D. 13: Thank you for your testimony. Theodore Kamasinski?

Theodore Kamasinski: Thank you, my name is Theodore Kamasinski, I live in Pittsfield, NH. Ah, my participation in this bill is as a result of a great number of telephone calls that I've had with attorneys around this state. And, what I was trying to accomplish, was that during the Thayer divorce, I was confronted with this temporary order to sell the house ... in which Mrs. Thayer and her family ... one daughter, and a minor child, lived. And, it was before an evaluation of how the division of property would work out. Ultimately the division of property was 75 – 25%, 75% in favor of Mrs. Thayer.

If you read the transcript of why the house was sold, you'd be totally stupefied, because there's no reason whatsoever, given. The only reason given is that it's for the convenience of the sitting Supreme Court Justice ... who doesn't want to have to pay a few months of mortgage payments until there's a final hearing. And, there's a po-

tential that was for an additional convenience to prevent any potential for prosecution for lying on bank loans, that were used to under pin [sic] the mortgage.

When I spoke to attorneys, I was amazed to find out that nobody believed this could be done, because the statute ... as it's written ... is very clear. The statute lists a series of categories of types of relief that a court can issue on a temporary basis. There's a whole series of categories. And, normally when the legislature lists that, it means that anything outside the bounds of those lists cannot be done. That's simple statutory construction. And, most attorneys agreed with me that's the case, because the discretion given a marital court, or a divorce court ... is limited. It is not the normal equity discretion that is available to judges in pure equity cases.

But, what they did relate to me, is a couple of other significant issues which make this legislation real important. One of them was ... one lawyer told me, that he had a case, where there were two people in the house, who wanted a divorce ... and were fearful of filing for divorce until they had the house sold, because they were frightened that the judge would say, we can't sell the house until the final hearing. Which is the proper thing to do. So, in that case, I said to them ... why don't you just go to the court and agree, and stipulate. He said ... I did that in one case, and the judge said no, not until the final hearing, because I don't even have the authority under the statute to do that. So, I said ... well, would you suggest that be put in the statute. He said ... certainly, my situation it would have been good.

I spoke to other lawyers who told me they had that same fear ... they never had a case in which the house was sold, unless ... unless there was an emergency. In other words, the equity in the house was threatened. One lawyer told me that he couldn't sell the house when the equity was threatened, because the judge said ... I have no authority to do it, and the house was actually foreclosed against before the final hearing. Now, they managed to unravel that and save it with some emergency actions, but why should all that be necessary when the statute can simply state clearly what the bounds are.

Now, look ... a house is the biggest investment, usually, it's the most equity that the people accumulate in a marriage. And, if the object of the divorce is to equitably distribute the property, and get the evidence before you that enables you to do so, why set up a situation ... or permit a situation to exist, where a judge could do like the judge did here, in the Thayer case ... sell the house when there was no compelling need to do so, and deprive the equity distribution. And, effectively, also ... set up a situation where that issue can't be appealed. What would happen now if Judith Thayer wins the appeal on that issue? Nothing. This is a bell you can un-ring, because the house is gone.

Ah, there's some argument that a house is simply equity, and it can be recovered in money ... well, that's a fine argument, except a house is a lot more than that. It's a personal thing. It's a place where a family grows up, and there's a lot of love involved, and in this particular case ... in particular ... you have a child in the house. Who's going to school, who's life is going to be upheaved ... upheavaled [sic]. And, his life was destroyed by this event. He was so upset by this event, that he'll have nothing ever to do with his father. He's made that clear. He was forced out of the house by police on the basis that it was inconvenient for a Supreme Court Judge to

pay a couple more months payment on the mortgage. And, it was inconvenient and dangerous for the Supreme Court Judge if he didn't have that mortgage paid off right away, because he was subject to investigation for criminal acts.

If the legislative will in this statute is clear, if you read the statute, it's clear. If you give it to people who know statutory construction, it's clear ... it couldn't be done, but the judges don't understand that ... and in order for the legislature to make it clear, I suggest you put this little amendment into the statute which makes it clear that all equity, including the home, is to be held until the final hearing, unless there's a real emergency in dealing with it. And, the emergency aspect already exists in the statute. Ah, I don't see any harm in this legislation whatsoever. If there is no scenario that anyone can think of which would make it dangerous to enact this ... I think that what happened to Judith Thayer is extremely tragic. She lost her equity. And, you heard from Caroline Douglas how much money she put into her marriage.

Well, Judith Thayer put in approximately $600,000 into hers, and she didn't get any of it back. She's getting three years of alimony, and when the house was sold, there was an explicit promise that she would be provided with a home. It was on the record, and it was given as a basis to sell the house. One of the basis to sell the house is Mrs. Thayer will be provided with a home, and of course, Mrs. Thayer said, if that's the case, I'll agree to sell the house. It was trick ... she wasn't provided with a home, she wasn't provided with enough money to buy a home, and she was essentially divorced from the state and her husband, without the equity that she put into the marriage in sixteen years of marriage.

I'd just like to embellish this a little more, with one other interesting observation. Judith Thayer has a particular talent in public policy, and during her marriage couldn't exercise that talent completely, because everything that she would want to do, would be affected by whether her husband would approve it, or whether it would implicate any issue that he couldn't resolve on the court. And, to that extent, her marriage was not only to an individual, it was to the state. Her ability to earn money during the marriage was very much impacted by that. You would think that in a condition like that, the state would take who creates the ability to have this legal contract of marriage, and then creates the ability to break it ... would take some responsibility for the inequitable distribution that occurred here. I don't want to make a further speech about that, but to say that ... this legislation would have protected, if it existed clearly, would have protected Judith Thayer in the first place. And, again, to say that we need it because the judges just do not understand, and when they don't understand what the legislative intent is, the legislature has to tell them by making this statute clearer. Thank you.

Senator Debora B. Pignatelli, D. 13: Judith O'Brien Thayer?

Mrs. Judith [O'Brien] Thayer: Good morning. My name is Judith O'Brien Thayer, and I am a resident of Manchester, NH. I am ... coming today to testify in favor of this bill, because I believe that either this bill is needed to further clarify the intent of the legislature, or this bill is not needed because the legislature has been very explicit about the authority that it granted the courts and the disposition of marital assets. Especially during a temporary hearing.

Senator Roberge submitted this bill ... for me ... and I believe for Mrs. Douglas and other women who've had the experience that you've heard about today. When I asked Senator Roberge what I should say today, because I really ... I'm really not that interested in discussing my personal life publicly, and, I'm not a lawyer. She said to me that the only thing that you can talk about is what you've been through, personally. And that it is very germane to the subject. So, I'd like to just outline that ... if that is okay with you, Madam Chairman? And, just tell you how this seemed to get to the place that we're at today.

Ah ... I'm fifty years old, I've been married for seventeen years ... I'm still not divorced. We had three children. One of the children ... is a minor child. Two of the girls are out of college. And ... I had a home before I was married, had a car ... I was unemployed at the time, but I had taught school. And, as Mr. Kamasinski said, my particular ... I think, *forte* ... or something that I'm very interested in, has always been public policy. When I was married to Mr. Thayer, he was a U.S. Attorney. And, from that point forward, he continued in public service since, and then served as a Superior Court Judge, and a Supreme Court Judge.

Because of that, it had tremendous implications to not only my life, but our children's lives. And, as a wife who is educated, and somewhat intelligent ... as all women are ... I chose, because of my husband's position, after I left the Board of Education, to not continue my pursuit in the public policy arena ... whether it be health care, running for the State Senate, which I was asked to do ... etcetera. And, I did that because every time I got involved in an issue and education had started out as being an issue where John Sununu had said to me ... I think this would be good for you, I think you'd enjoy it, you have a background in it, and we have a lot of important issues coming up ... and, David Brock did not want me to go on the Board of Education, and explicitly told me "no" ... and Governor Sununu told him ... no, she can sit, as long as she uses her own name.

Well, we thought we were going from one issue dealing with quality education, and what that entailed, and it became a much more involved issue. It became a legal issue, it became the Claremont Court Suit ... and as you may remember, I was the first defendant in the Claremont Court Suit. Soon after that, I left the Board of Education. And, I did that because I did not want to interfere with my husband's career, or with his exercise of his responsive ... judicial responsibility on the Supreme Court. And, I think that is pretty understandable ... and it makes sense. It's not that I was being a martyr, it was absolutely imperative that I do so, or my husband would not be allowed to sit on many of the cases that I'm involved in, or could be involved in. Different issues.

What I'm trying to illustrate is that I had a great deal to do with the marriage. Financially, I brought in over $720,000 into the marriage. With financial expenses for tuitions, and also an inheritance. I had a home that he insisted that I sell, and that we move to another home. I had assets before I was married. I contributed to the marriage. I am representative ... probably ... of a more traditional scheme of marriage than is popular today. My husband's position made that decision necessary. I never wanted to be a career woman, I don't have a problem saying that. I always wanted to be active ... and I always wanted to pursue interests that I had, and to be able to develop myself to the potential. I went back to graduate school with the support of my

husband, and I received a Masters' Degree in Public Policy from Boston University. And, the agreement was that I would get a part-time position after the girls were finished school, and my husband was ... ah, my son was in junior high school, and as was characterized to me, to get me out of the house, and be able to do something. Get your Masters' Degree, and pursue the contacts that we had in Washington. Ah, Jack Kemp, or the Heritage Foundation ... and be able to do something outside of the state in healthcare, or education, or pharmaceutical policy, or insurance policy ... that would not interfere with my husband's position.

What happened was, I found myself in a situation that after I finished graduate school, that ... I found out that my husband was leaving. And, he left on July 4th, and my son was fourteen years old. And, I was away with him, and when I came home, he had told me that I had to get a lawyer ... and I did. He had given me a stipulation to sign, and the stip basically was ... you can have your six year old car, and find a job, and you will be equally responsible for our son's education, and his welfare for the rest of your life. You will not receive a pension ... because the Judicial System is different than other corporations or businesses or systems ... in that judges alone, get their pensions. Unless, they are still married, and there is a widow involved. So, you will get no pension, you will get very little alimony, because you're smart ... that's what I was told. You can get a job. And, you will only receive the minimal amount of child support ... well, I took that stipulation to a well known attorney in this state, David Nixon. He took one look at it, and said ... this is a travesty, this is just absolutely impossible that this could be happening. This has to be the first offer, which is the worst offer.

Well, we filed ... and I had a temporary hearing. And, I went to the temporary hearing, and I have to back up a minute, and say ... that I filed, I was given a judge, Judge William Barry, and without any provocation from me or my attorney, all of a sudden ... I was assigned by Judge Nadeau, Judge Carol Ann Conboy.

Now, Judge Carol Ann Conboy is a retired military officer, who left her military post in order to marry a non-commissioned officer ... ***TAPE CHANGED ...*** *[continuing ...]* she has put herself through law school, and she is a very aggressive and ambitious woman, all to her credit. And, I went before this woman, and from the time I walked into that court room, I was treated with contempt and disdain. To the point that it reached, that my attorney, Nixon and Judge Laughlin asked ... told her that she was biased and prejudiced. This was not because of ... not only facial grimaces, and contemptuous looks ... but as the case went on, the judge made certain rulings that made that determination absolutely positive.

I might as well have not even gone to my temporary hearing. I was presented with financial affidavits that listed loans that I knew nothing about. Debts that I knew nothing about ... and the whole argument at the temporary hearing was that my house had to go. That was my home, that was my children's home for sixteen years. And, the attorney on the other side represented that my son ... since my son was in school, in boarding school, which was paid for ... not as the papers recorded, and as the affidavit looked like, but we were in debt ... but paid for in cash every month, that my son did not need a home because he was in the custody of the school.

The temporary hearing resulted in an order that was written in two hours. Most judges take two to six weeks to write an order. Two hours because Mr. Brennan and Judge Thayer wanted something done immediately. The order was written, and I was ordered by the judge to put my house on the market within fifteen days.

I was to prepare it, I was to interview real estate brokers, and I was to voluntarily sign an agreement that I would list my home. And, I had absolutely nothing to say about it. I said at one point during the hearing, *...your Honor, if you do this ... if you do what Mr. Brennan asks, I'm going to be homeless ... my child and I are going to be homeless.* And, at that point I had another child living at home on school vacations.

Well, they came back from lunch after that comment of mine, and said to the judge *...if Mrs. Thayer ... if you order that Mrs. Thayer will sell this home, then we will tell you ... we will make sure that she and her son will have a home to live in. There will be money there, you can do that, your Honor, you make the decision ... we're not telling you what to do, but you can make the decision. Mrs. Thayer will have a place to live. Let's not get into this homeless business.*

So, the order came out within two hours, and I had to put my house on the market. The real estate agency was well known throughout the state, and was very credible. They listed it at $286,000, and from that point forward, we asked for reconsideration of that order. She would not only ... she not only denied the motion, which is guaranteed by statute, she denied a hearing for the motion. I asked two more times ... *I said, if you're not going to rescind this order that the home has to be sold,* which I purchased with my husband for $99,500. Which he had mortgaged up to that point $175. I had over $110,000 in equity in that home, I had put $60,000 cash into that home. I had paid for my children's education[s], I said, *...if you don't rescind this order, then please, put in an order immediately saying what you are going to do with me and my son if the house is sold before the final hearing.* And, I went to a pre-trial conference on February 11th in 1998, and the judge looked at me, and said ... I'm going to make you as comfortable as possible when this is finally disposed of.

Now, what kind of a comment is that? And, I have a fourteen year old son ... who, by that time I have to bring home from boarding school, because he can't cope. He can't handle what has gone on ... being abandoned with the threat of your home being sold from out under you. With no child support, by the way. I was given no child support. I was given a thousand dollars a month alimony.

Time went on, the house still hadn't been sold. It gets to be July, August ... Mr. Nixon has had it by this point, because he's being abused in the court room, and he's going nowhere. And, we had gone into a mediation session, fully prepared to mediate, as the judge had asked us to do. And, I'm handed a letter by Judge Brock ... the first day of the mediation session, saying that my husband who has been utilizing this extra income that he makes after court hours, fulfills all his court responsibilities, has one of the highest number of cases that he puts out every year ... he is not recalcitrant. But, Judge Brock has decided, after knowing that my husband has taught for a number of years, the night ... the day before mediation to write a note to my husband saying, *...by the way, it's just come to my attention again, that you're making over $100,000 teaching ... and I told you before that I'm not happy with that.*

We go into the mediation session, the mediator throws it away, and says ... don't pay any attention to this. We start to mediate, it gets to be 12:30 in the morning. I'm ready to go forward with this and they tell me to come back. The next day we find out that they're not going to mediate. This isn't going to be mediated, I'm not going to be given lifetime alimony of a minimal amount of money. I'm not going to be given MediGap Insurance, so that I'll be taken care of at 65, like my husband will. I'm not going to be given a home. I'm not going to have alimony and child support that they had guaranteed, he's not going to pay for my son's education, which he had started when the child was in eighth grade. No, I find out they're not going to mediate ... Mr. Nixon leaves.

What happens then ... all of a sudden buyers appear at my door with a real estate agent. And, the real estate agent hands me a Purchase & Sale Agreement, over the weekend. And, I said to her ... what do you think about this P&S, I haven't seen you ... what do you think, you're my adviser, what do you think? She said ...I don't really know, you're going to have to read it and get back to me. Ah, I called Mr. Nixon, even though he was leaving as my attorney, he agreed to still help me out. And, I said, if you can integrate this into the mediation process, where this house ... I will sign the P&S Agreement, if this becomes part of the whole mediation brief. He tries, and Mr. Brennan says "No." Nixon then is gone.

Mr. Brennan shows up at my house ... shows up at noon time ... and, he tells me that unless I sign that P&S Agreement for $250,000, which is $36,000 less than what it was listed for, that he is going to go to the judge and he is going to have her order a real estate commissioner to come into my home, throw me out, and my son, and sign the P&S Agreement. I have no attorney, Mr. Nixon is not around, he files an ex-parte motion. I go into court by myself. And, I said to the court, I said *...your Honor, I'm not going to sign this at this point* ... and, she said to me, *...if you don't, basically, you're going to end up with a lawyer taking your place at the signing ... signing it, and your house is gone.* That's basically what happened.

Eventually, I signed the $250,000 ... it was a firm offer, and, the way it had been presented to me was that I was going to get the proceeds from the house, then they would provide me another house. I would get what every other woman in the State of NH gets, which is child support and alimony, that is adequate to support me and my son, and especially to make sure that I'm taken care of after I've put this amount of money in, this amount of years in. I've been promised a million dollar life insurance policy that we had taken out in 1993. I'd been promised pension for the rest of my life, if he dies. And, free medical care. Now, I can work ... but, I'm never going to be rehabilitated to making $220,000 a year. Never. That is absolutely *false* premise that the courts use, and that the legislature uses to make women feel better about the fact that they might be getting a better deal. Now, maybe if I were 25 or 30, maybe if I was a retired physician or a lawyer ... maybe. But, it's not going to happen.

So, what happened was, I signed the $250,000, that's $36,000 less than what the house is worth. Then they come back to me and ... they say that they had a housing inspection, and the house was $250,000 as is. That they now want to take off another $17,000. And, at that point ... after not talking to anybody, Mr. Kamasinski had read what was going on, in the paper, and he called me. And, despite what many people think, as Mr. Kamasinski being a thorn and a problem, he came to my

aide, and of course, I was ... I had no idea who he was ... I had no idea that he had been involved in other cases. And, he helped me try to put into perspective what was going on ... and, said to me ...*did you sign the ... did you sign another Purchase and Sale Agreement?* I said, absolutely not ... I refused to sign the second P&S Agreement. Mr. Brennan brought in the ... brought in the second P&S Agreement, and called it an "addendum." And, the judge said, ...*is that a valid P&S Agreement?* And, he said ... yes, absolutely.

Now, I'm a real estate broker. I had my real estate license twenty years ago ... I don't practice, I haven't practiced ... but, I do know one thing, and any lawyer sitting here knows ... that any modification to a contract becomes a new contract. And, I didn't sign it, and the judge said ...*it <u>was</u> a contract.*

Mr. Brennan, by that time, had gotten the real estate agent to sign an affidavit, which he notarized, and which he witnessed with my husband there, saying that $250,000 was the best I was ever going to do with that house. Now, you know the real estate market. I had another appraisal from Fannie Mack that said, the least I could do would be $275,000. Anybody coming in to buy that house would be able to get a $275,000 mortgage, without any down payment.

The house was ordered to be sold, I refused to sign it ... and then I put a lien on the title at the registry of deeds. And, the judge appointed a real estate commissioner, the real estate commissioner went to a closing, and signed my name, sold the house, and then ... he not only did that, but, of course, I intended to appeal this. If I had to write my own pleadings.

The real estate commissioner indemnified the agreement ... with Judge Thayer and with the title company, so that if I sued, I'd be suing myself. Now, let me tell you the affects that has had on my family. I have family that lives in this area, I am a native of New Hampshire ... I have family in NH. I have family in Manchester. My mother is a widow, I am living with my mother at 50 years old, with a fourteen ... well, actually, no ... he's just turned sixteen ... a sixteen year old boy. Who no longer is in the school that he wanted to be in. I will never be able to put him back in the school. I've been ordered to work to rehabilitate myself to pay for an education that my husband had set up as the goal for my son. I am never going to be able to have a home, because I don't make enough money to have a home. I'm at an age that ... where are you going to go at this age and suddenly have an executive type of position? And make that kind of money to be able to make sure that I have a safe and a secure retirement? No woman ... especially in this day and age is adverse to helping herself out, contributing to your income, but, not to the point ... this ...this was an outright rape of a family. And, I had never heard of a court ... I've never heard an attorney say this ... where a child would at least not be guaranteed a home. Maybe not the same home, if we agreed ... or that I could not carry the payments ... but, a home.

My son, I don't think ... I didn't have him moved out by the police and the sheriffs that day. I did not do that. I had him stay at my sister's home. Because I did not want to have him go through that trauma. I never thought that would happen. And, while I was in my home, I was negotiating on two phones with two women attorneys that showed up at my house ... who would not take my case, by the way. But, who stepped in at the last minute because this was causing an embarrassment to the

system. And, tried to get me to leave my home and mediate with Mr. Brennan. And, then one of them showed up at my house and threw the mediation agreement through the mail slot, because I refused to leave, because I knew if I left, then I would be ... I would not have any more rights to my home. And, I plan on continuing to litigate this situation as long as I can, because of ... not that I ... I would like to get the money at least, that my son is due him. But, also because of the innate unfairness and the discrimination toward women and children that has occurred. And, if it's happening to me and Mrs. Douglas, who have name identification, who have husbands who are high profile, I can't even imagine what is done to women that don't have that kind of ... that don't have that kind of publicity. Not that anybody was looking for publicity, but in the end ... in the long run, I think it's brought to light a problem that many people were not even aware of.

This ... this abuse of discretion, which we throw around lightly, it's become the new code word ... is just unimaginable. Having gone through this, you have guidelines for child support ... there are no guidelines for alimony, based on years of marriage, or the scheme of the marriage.

What I found happening is, and I'm sure that you women sitting here, and some of you are professionals, maybe lawyers even ... is that you make a decision in your lives on how you're going to live your life, and everybody has the right to do that. And, in marriage, people make that decision together, and if you decide to have a scheme in the marriage, that maybe is not consistent with the traditional trends of today ... but, it's a decision you make because being married to a judge is not exactly a traditional marriage ... you're very isolated, you have a ceiling placed on you, in commumus [sic] ... you have limits placed on your social life, you have limits placed on your professional life, you have limits placed in every area of your life, and it doesn't just affect judges, it affects the children, it affects the wives.

So, I come from a traditional scheme ... we decided upon that. And, I was ... well, marriage is legalized by the state. It's a legal contract. Divorce is legalized by the state. The type of contract that you have is made by the individuals that are in that contract. The state puts an *imprimatur* on that contract. I had a traditional contract, I hadn't worked for sixteen years. I was limited in what I could do, I stood behind my husband ... I built his career. John Sununu was *my* friend, my family's friend. I had a lot to do with building a marriage ... and a life, just like every wife does, but I did in a different way. Maybe it was a more traditional way than what most women do today, but I was punished because of that.

And, the other thing I want to say is, the other issue is ... that when you appoint female judges, please don't appoint judges that are female that are men in women's clothes, that happen to lead a lifestyle that is more consistent with a man's prerogatives. This woman had absolutely disdain for someone like me, and I'm sure she does for other women like me.

Senator Debora B. Pignatelli, D. 13: Can you ... ah, wrap it up? Thank you.

Mrs. Judith [O'Brien] Thayer: I brought to your attention, many issues. I want to say that this issue of the home...the marital home ...is a women and children's issue. I want to say that divorce is only a legal imprimatur, just like marriage is, and you

have different schemes of marriage, and the court should take that into consideration, and you should not be penalized by the exercise of your free will and your husband's decision making with you.

Ah, minor children ... what have you done to make sure that this never happens to a minor child? We guarantee education in the State of NH, K through 12. In our marriage, we had guaranteed education for a child 7 through 16, and the state absolutely abrogated that contract that we had made. They exceeded their authority. They exceeded their authority in the disposition of the property, in the decision about the alimony and child support. There's no scheme in the State of NH ... there's no process that is standardized, that is objective ... so there is no due process in the terms of divorce and alimony as I'm saying.

But, with this particular bill, I think there's one thing that's *sacri-sanct* [sic] in a marriage, and that's the home. Because it's implicative not of only the two people that are living there, but of the children that are of that marriage, or in that home. And, this has devastating consequences. Women and children are the fastest growing impoverished population in this country. And, it's due to the ... over 75% of the people that are impoverished, are women and children. And, Senator Gordon, please don't act like you're falling asleep. But, I'm just saying ... that these are facts, this is not my whining to you because I got a raw deal, my raw deal will be rectified. But, you have a responsibility now to make sure that this doesn't happen to other women and children.

So, please, please ... when you take away the home, you take away the whole security, the foundation of the wife and the family, and I think that this bill probably isn't even needed. What you should do, is just clarify ... and if you do think it's needed, then do it ... but clarify the original statute, and say ... this is what was stipulated, this is what was meant by it. And, there have been abuses ... people overstepping their authority, and they're using their own personal preference, their own personal lifestyle, and they're also using the legal system to be manipulated. My life was deconstructed by that judge, to reconstruct it without the cost of providing a home for me and my son. Have you ever in your life heard of such a thing? That the wife of a Supreme Court Justice, and a minor child don't have a home? And, told to go out and work, and find a home, and the comment was ... we don't care where you people live. And, the judge went along with that?

The reason why I'm saying Supreme Court Justice, and not that I'm impressed by it, I have respect for it ... not much ... at this point, but I do have some respect for the office, but where is the justice? Where's the fairness? So, I'm asking you, please either clarify the law, and rectify the abuses of that discretion that have occurred, by some judges and some attorneys. Let that reconciliation of ... let it be rectified now, or pass another law, and say that some people are abusing it. But, I wanted you ... I don't want to talk about my personal life, but I'm telling you if it's going to help other people to not go through what I went through. I mean, I'm a child of the sixties, and I was never even involved with the demonstrations ... you can't imagine what's it's like to be sitting in your living room with your family and hear the sheriffs and the police outside banging down your door, for no reason. Because, the house could have stayed, and I could have stayed there, but my husband did not want to pay for the support of our home, and the support of my child. Thank you.

Senator Debora B. Pignatelli, D. 13: Thank you for your testimony. Bill Cushman? James Demers is in opposition of the bill, but does not wish to speak. Yes, Bill, you had written that you want to speak.

Bill Cushman: Okay. I think what has happened here this morning, is actually a benefit in the long run, even though it's completely tragic in often, many ways. But, one of the things that occurred to me in passing, is that the Women's Lobby had a person here on the other bill ... on alimony ... who had a quite definite point of view. But, they aren't even here on this one, and this I think ... I don't see how they could have been uninterested in this.

Now, I've been through a divorce, as you know, and it ... the way it's run is almost calculated to do as much damage as it can to the family. I fought bitterly to get what wound up being an "equitable" thing. As I told both lawyers, we've both got to be alive and well when this is all over. So, that the tactics you're using aren't going to work.

Now, when our divorce was over, my son in law ... his partner ... said, how do you feel now that the divorce is over? And, I said ... have you ever watched a cat who has cornered a mouse and then torment it for an hour or two, and finally get tired of it all, and kill it. I did not enjoy the role of the mouse. And, these two women have not enjoyed the role either. I think that it's time that we have a good look, in depth, at the way divorces are operated. I can give you a lot of material on that, it's been around for years.

Senator Debora B. Pignatelli, D. 13: Thank you for your testimony. Is there anyone else who would like to testify on this bill? I don't see anyone ... I'm going to close the hearing ...

Senator Edward M. Gordon, D. 2: If I could ask a question ... if I can get a brief answer ... this is a question for Mr. Kamasinski ... and this is just ... you don't even need to come up front. I just need a brief answer ... the issue is ... ah, this Thayer case, when Mrs. Thayer was talking about it. Was there a way of maintaining the house financially without having it be sold?

Theodore Kamasinski: Oh, yes, ah ... Judith Thayer and her daughter, who are working, were capable of paying the mortgage. And, she was not given that alternative, because ... just simply because he wasn't ....

Senator Edward M. Gordon, D. 2: Would you have any objection if the legislation indicated that ... where there is a determination by the court, when there is a way of maintaining a household ?

Theodore Kamasinski: That would be fine ... I actually asked the judge to do that, and did not succeed. Judith isn't here now, and this is ... ah, we should have said this before. She was capably represented by Attorney Nixon, and I got into the case and did it without fee. If there was a fee involved in the case, throughout the trial, she would have come out with ... absolutely nothing. So, you should factor that in. Because, that's where Mrs. Douglas came out ... with absolutely nothing.

Senator Edward M. Gordon, D. 2: Thank you.

Senator Debora B. Pignatelli, D. 13: Thank you.

Bill Cushman: May I make one additional comment? When I was going through this, I didn't enjoy the role of mouse, either. I know that my wife and the family didn't like the role that they had been put in either. But, they were also victims. Thank you.

Senator Debora B. Pignatelli, D. 13: You're welcome. We're done. The hearing's closed. We're not going to be able to exec today.

THE HEARING ON Senate Bill 349 WAS CLOSED at 12:52 P.M.

Respectfully submitted,
Laurel J. Gallant-Hanlon, Senate Judiciary Secretary

SB 349 2/16/2000 11:56 am

Senate Bill: → prime sited as "leg. is result of marital problem."

Carolyn Douglas: referenced as "Thayer Bill" — personal account — (insertion, direct...)

* abuse of discretion in family law / domestic relations cases is very prominent...

prof. Patricia Coffey — named by Joe Nadeau — Sup. Court: intersection!

Personal accounts → courts! high profile cases { Douglas / Thayer

Discretionary denial of "right to appeal"...

"right that the party is not allowed to exercise — in divorce cases."

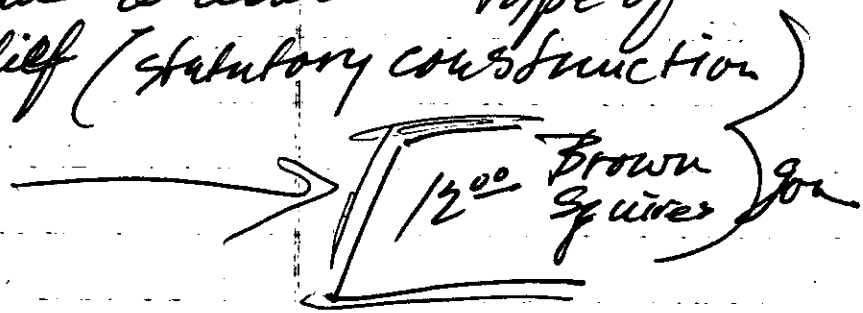
Pattern of misconduct.

Cont'd a "crisis" in the integrity of the courts...

"Provincial, lacking judicial reform."

Theo Kamasinski: — Pittsfield
sentenced Thaya divorce
prior to division of property —
75-25% Result

Statute is clear — type of
relief (statutory construction



Professional account of prior to
final order property foreclosure —
(statutorily CANNOT be done...
(Be very careful w/ audio testimony)

Judith O'Brien-Thayer: → supports legislation → public policy interest → Thayer was U.S. Atty.
17 yr. marriage

Gordon 12 yrs. 20 mo. back

ref: Gov. Sununu — Judge Brock said NO to Judith's participation. (details/insides unraveling to out!

Judge Wm. Barry →
Judge Nadeau — again

(transcribe very carefully →
pertaining clearly —
"impropriety"
*"recalcitrant"

(lengthy very personal account of hers & Justice Thayer's Divorce →
"false premise..." (rehabilitative alimony concept!)

cont'd

detailed account — (be very cautious w/ testimony here — account accurately for every detail + syllable ...)

"rape of a family ..."

minor child - (son)

"innate unfairness ..."

(high profile) - good points regarding their case versus those of women & children w/o the recognition !?!??!

abuse of discretion

"Impromata (imprimatur) regarding "marital contracts —"

Divorce is legal"

abrogated the contract

re: child's education

Word

statutes need to be
objective, standardized

very impactful testimony.

Clarify original statute

legal system to manipulate

"life was deconstructed..."

justify the abuse of discretion

Reichman: — logic

"DOES EQUITABLE
ORDER & FINAL
JUDGMENT"

actually last -??

Divorce laws need revamping?

Gordon: (to Theo K.) Ref: Thayer
case → question

EXCHANGE
(refer to audio ...)

Bill Cushman: → comment

12:52 pm

Judiciary Committee

SB 349 Hearing Report

TO: Members of the Senate

FROM: Susan Duncan
Legislative Assistant

RE: Hearing report on SB 349 – *An Act relative to the sale of the marital residence or other real property in a domestic proceeding.*

HEARING DATE: February 16, 2000

Sponsor: Senator Roberge, District 9
Senator Brown, District 17

What the bill does: This bill would allow the court in a divorce, separation, or annulment proceeding, to issue an order for temporary relief which would include the sale of the marital residence or other real property with the prior written consent of both parties.

Who supports the bill:
Senator Roberge
Senator Brown
Attorney Caroline Douglas
Judith O'Brien Thayer
Theodore Camasinski, Pittsfield
William Cushman

Who opposes the bill: Jim Demers (did not testify)

Summary of testimony received:

- This legislation was introduced as a result of the situation which occurred with the Thayer divorce; subsequently the legislation also applied in the Douglas divorce.

- When there are high profile divorces involving members of the Judiciary, it can be difficult for the spouses to either obtain legal counsel (because of the danger to the attorney's career) or for the spouse to obtain impartial rulings from the courts.
- The powerful judges are part of a clique; cases are decided on who you are, not the facts of the case.
- In one case, even though five pieces of real estate were acquired during the course of the marriage, they were valued at zero and all awarded to the husband.
- Members of the Bench have numerous mechanisms in order to deny people of their rights – i.e., in one case in a final divorce decree, there was a provision which could not be appealed.
- In one case, the marital home was ordered to be sold as a convenience to the husband because he didn't want to have to pay the mortgage for a few months. This was ordered even though there was a minor child and the spouse indicated that she was able to maintain the costs of the property.
- The house is generally the largest, most valuable piece procured during the course of a marriage.
- A house is more than equity which can be determined on a single dollar amount – it involves the security for children who still live at home.
- This legislation would make it clear that all equity, including the home, is to be held until the final divorce hearing.
- In one case, the spouse was promised that she would be provided with a home, but she wasn't.
- This legislation is needed in order to clarify the statutes.
- Prior to their marriages, each woman had equity which they brought into the marriage, and each woman had invested substantially in the marital home. Neither investment was recognized in the final divorce decree.
- Women and children are the highest growing number of impoverished people in the country right now.

Funding: Not applicable

Future Action: The Committee took the legislation under advisement. Senator Gordon suggested an amendment regarding whether the spouse is able to maintain the home. An amendment will be drafted and presented to the Committee. (Amendment # 2000-3536s)

sfd
[file: SB 349]

Speakers

SB 349 Senate Judiciary Hearing Sign In

DATE: FEBRUARY 9, 2000 TIME: 11:10 AM

APPEARING: IN FAVOR	APPEARING: TO OPPOSE	NAME / REPRESENTING	WISH TO SPEAK?
✓		Caroline Douglas, Attny TWO Eagle Sq #402, Concord	✓
✓		~~Ptf~~ Theodore Kamenski self Pittsfield	✓
✓		Judith O'Brien Mayo self Manchester	✓
✓	✓	James Demers N.H. Trial Lawyers Association	
✓		Bill Cushman (END) New Castle NH	✓

Hearing Minutes

SB 349- AS INTRODUCED

2000 SESSION

00-2651
04/09

SENATE BILL ***349***

AN ACT relative to the sale of the marital residence or other real property in a domestic proceeding.

SPONSORS: Sen. Roberge, Dist 9; Sen. Brown, Dist 17

COMMITTEE: Judiciary

ANALYSIS

This bill would allow the court, in a divorce, separation, or annulment proceeding, to issue an order for temporary relief which would include the sale of the marital residence or other real property with the prior written consent of both parties.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

Several!!

SB 349- AS INTRODUCED

00-2651
04/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to the sale of the marital residence or other real property in a domestic proceeding.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subparagraph; Annulment, Divorce, and Separation; Temporary Relief; Sale of Real Property Added. Amend RSA 458:16, I by inserting after subparagraph (g) the following new subparagraph:

(h) Ordering the sale of the marital residence or other real property held by the parties, provided that both parties have previously filed a written stipulation with the clerk of the court explicitly agreeing to the sale of the property prior to the final hearing on the merits.

2 Effective Date. This act shall take effect January 1, 2001.

CD → order and judgment

" All equity ... including ... RE — Two

Testimony

2/17/00
Re: Draft amendment to SB 349

Sen. Gordon: If this is OK, I'll ask OLS to prepare the amendment.

I'm not sure you were there for all of Theodore K's testimony. He said that until the Thayer case he thought the law was clear: the court only had authority to make orders before a final hearing regarding those items listed in (a)-(g) of RSA 458:16. As for the sale of the marital home before the final hearing, he said he thought the court had authority under other existing statutes to order the sale only in an emergency situation, e.g., where there was a pressing need for immediate sale to preserve value as might be the case if value was rapidly deteriorating for some reason.

I have not done divorce work for a long time but I thought the main purpose of temporary orders was to preserve the status quo and make other temporary arrangements until the final hearing. My impression is that items (a)-(g) have to be addressed as either being applicable or not applicable, but the list of items is not necessarily exclusive.

The bill and the amendment deal with the sale of all real estate, not just the marital residence which all the testimony was about. Also, the emergency exception Mr. K would accept is not included as part of the bill as amended and I'm not aware it exists elsewhere in the statutes. Would you like to take account of these matters in the amendment as well?

FYI Caroline Douglas said the last seven words of the bill should be changed from "to the final hearing on the merits" to "to the final order and judgment." She said her judge tried to keep her from being able to appeal the order to sell the house. Ed Damon

§ 458:16. Temporary Relief and Permanent Restraining Orders.

Existing Statute

I. After the filing of a libel for divorce, annulment, separation or a decree of nullity, the superior court may issue orders with such conditions and limitations as the court deems just which may, at the discretion of the court, be made on a temporary or permanent basis. Temporary orders may be issued ex parte. Said orders may be to the following effect: ....

Existing SB 349

(h) Ordering the sale of the marital residence or other real property held by the parties, provided that both parties have previously filed a written stipulation with the clerk of the court explicitly agreeing to the sale of the property prior to the final hearing on the merits. **If the parties have not so stipulated, no temporary order shall be made for the sale of the marital residence or other real property as long as the parties have the financial resources to pay the debts and taxes on the property when due.**

Draft amendment

chasm

chasm (kăz′əm) *noun*
1. A deep, steep-sided opening in the earth's surface; an abyss or a gorge.
2. A sudden interruption of continuity; a gap.
3. A pronounced difference of opinion, interests, or loyalty.

[Latin *chasma*, from Greek *khasma*.]

— **chas′mal** (kăz′məl) *adjective*

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Voting Sheets

SENATE JUDICIARY COMMITTEE

FIRST MOTION
EXECUTIVE SESSION

SB 349

Date: 2/23/2000 Room:

Motion of:

Made by Senator:		*Seconded by Senator:*	
	Pignatelli ☐		Pignatelli ☐
	Gordon ☐		Gordon ☐
	K. Wheeler ☐		K. Wheeler ☐
	Squires ☐		Squires ☐
	Trombly ☐		Trombly ☐
	Brown ☐		Brown ☐
	Cohen ☐		Cohen ☒
	Fernald ☒		Fernald ☐

5/1 IL 3/3

Committee Member	*Present*	*Vote*	*Reported out by*
Senator Debora Pignatelli, Chairman	☐	no ✓	
Senator Edward Gordon, Vice-Chair	☐	no NO	
Senator Katherine Wells-Wheeler	☐	✓	
Senator James Squires	☐	✓ ✓	
Senator Rick Trombly	☐		
Senator Mary Brown	☐	no ✓	
Senator Burton Cohen	☐	✓ ✓	
Senator Mark Fernald	☐	✓ ✓	✓

*Amendments: #00-3536S

NOTES:

SENATE ~~JUDICIARY~~ COMMITTEE

SECOND MOTION

EXECUTIVE SESSION

SB 349

Date: 2/23/2000

Room:

Motion of: OTP/A

Made by Senator:		*Seconded by Senator:*	
Pignatelli	☐	Pignatelli	☑
Gordon	☒	Gordon	☐
K. Wheeler	☐	K. Wheeler	☐
Squires	☐	Squires	☐
Trombly	☐	Trombly	☐
Brown	☐	Brown	☐
Cohen	☐	Cohen	☐
Fernald	☐	Fernald	☐

Committee Member	*Present*	*Vote*	*Reported out by*
Senator Debora Pignatelli, Chairman	☐	✓	
Senator Edward Gordon, Vice-Chair	☐	✓	
Senator Katherine Wells-Wheeler	☐		
Senator James Squires	☐		
Senator Rick Trombly	☐		
Senator Mary Brown	☐	✓	
Senator Burton Cohen	☐		
Senator Mark Fernald	☐		

*Amendments:

NOTES:

Committee Report

Date: February 16, 2000 Time: 11:56 AM

The Senate Committee on Judiciary held its hearing in Room 103, SH, Concord, New Hampshire.

BILL NO.: SB 349 TITLE: ***(New Title) relative to the sale of the marital residence in a domestic proceeding.***

Members of the Committee present: Senator Pignatelli
Senator Gordon
Senator Brown
Senator Cohen
Senator Fernald
Senator Squires

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☐ Ought to Pass
- ☐ Ought to Pass w/ Amendment
- ☒ Inexpedient to Legislate - **5 / 1**
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: **MARCH 9, 2000**

THE COMMITTEE ON **Judiciary**

to which was referred **Senate Bill 349**

AN ACT ***relative to the sale of the marital residence or other real property in a domestic proceeding.***

VOTE: **5 / 1**

Having considered the same, report the same with the following resolution:
Resolved, that it is: **INEXPEDIENT TO LEGISLATE.**

Senator Mark Fernald
For the Committee