

STATE OF NEW HAMPSHIRE

9TH CIRCUIT COURT - FAMILY DIVISION - NASHUA

GAIL ROSIER,)	
)	
Petitioner,	)	Family Division Case No.
	)	226-2006-DM-00655
and)	
	)	Nashua, New Hampshire
JEFFREY STROBEL,	)	March 11, 2009
	)	10:03 a.m.
Respondent.)	
)	

HEARING
BEFORE THE HONORABLE DAVID S. FORREST
JUDGE OF THE CIRCUIT COURT - FAMILY DIVISION

APPEARANCES:

For the Petitioner:	(Not Present)
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Pro Se Respondent:	Jeffrey Strobel
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I N D E X

<u>WITNESS (ES)</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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FOR THE PETITIONER:

None

FOR THE RESPONDENT:

Jeffrey Strobels	3	--	--	--
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MISCELLANEOUSPAGE

Matter Taken Under Advisement	12
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1 (Proceedings commence at 10:03 a.m.)

2 THE CLERK: Your Honor, this is the matter of Gail
3 Rosier and Jeffrey Strobels, docket number 2006-M-655. The only
4 party appearing today is the Respondent, Mr. Strobels, and
5 before the Court is Respondent's petition to clarify.

6 THE COURT: Mr. Strobels, please raise your right
7 hand.

8 JEFFREY STROBEL, RESPONDENT, SWORN

9 QUESTIONS BY THE COURT

10 THE COURT: All right. Good morning. I was just
11 looking at an affidavit of service by certified mail, which
12 does appear to be in order. Ms. Rosier lives in Arizona still,
13 is that correct?

14 THE WITNESS: That's correct.

15 THE COURT: Yeah, and she's not here. All right,
16 it's a little confusing. Looks like the order of notice, you
17 filed this -- let's see, the petition to clarify you filed
18 October 28, 2008, and it looks like the orders of noticed are
19 dated November 6, 2008. Originally had a hearing date for
20 February 12th.

21 THE WITNESS: Correct. At that time, the Court
22 informed me that, I guess, the scheduling every other month had
23 shifted so that it got pushed out to March.

24 THE COURT: I see that, okay. So the Court on its
25 own changed the date. January 13th, new hearing notice was

1 issued, scheduling the hearing for today. And that was after
2 the date that she was served out in Arizona.

3 All right. Have you had any discussion with
4 Ms. Rosier about today's hearing?

5 THE WITNESS: No, I have not. Our son, she had
6 communicated with our son that she thought she would be out
7 here; then had, I believe, informed him that she wasn't going
8 to be.

9 THE COURT: So from that, I take it you were able to
10 conclude that she had -- from that, you were able to determine
11 that it appeared that she had notice of the hearing?

12 THE WITNESS: Yes.

13 THE COURT: All right. I haven't reviewed the entire
14 file, but it's sort of an interesting issue here and I just
15 want to get some of this history.

16 THE WITNESS: Okay.

17 THE COURT: You were -- was the divorce action
18 originally -- it wasn't here in New Hampshire?

19 THE WITNESS: Correct.

20 THE COURT: Yeah. And you were divorced in what
21 state?

22 THE WITNESS: Where did she have it done? The
23 Dominican Republic?

24 THE COURT: Dominican Republic. You were divorced in
25 the Dominican Republic. And when was that, approximately?

1 THE WITNESS: Nineteen-ninety -- May or June of 1994,
2 I think.

3 THE COURT: It looks like 1996.

4 THE WITNESS: May have been '96.

5 THE COURT: Santo Domingo. Okay, 1996.

6 THE WITNESS: Okay.

7 THE COURT: And in 2006, there was a petition filed
8 by Ms. Rosier to register the foreign decree to bring forward
9 to establish a parenting plan, GAL, etcetera, and that wound up
10 being resolved back in July of 2006.

11 The issue that you're raising here today has to do
12 with child support. You reference 1997 there was some
13 agreement between you and Ms. Rosier that, in lieu of her
14 paying child support, that she would save money for Connor's
15 college education?

16 THE WITNESS: That's correct.

17 THE COURT: And you say here that she agreed to this?

18 THE WITNESS: Yes.

19 THE COURT: Okay. Was that ever entered in any
20 court?

21 THE WITNESS: No, it was not entered in the court.
22 She acknowledged it in her -- I believe in her court filings,
23 could be July, was it '07, petition, as did I.

24 THE COURT: You think it was in her original petition
25 to register?

1 THE WITNESS: I don't know that it was in the
2 petition to register as much as in the financial affidavit and
3 parenting plan, I believe, it was referenced.

4 THE COURT: The parenting plan that was approved by
5 the Court?

6 THE WITNESS: Yes. Or the one that she submitted
7 that was modified by the Court.

8 THE COURT: All right. (Indiscernible)

9 THE WITNESS: And she also referenced in her
10 financial affidavit a residence in, I believe it was,
11 Hopkinton, Mass., at the time the value of which was 150,000,
12 and that portion which was to be used for Connor's education,
13 which would, again, tie back to this discussion.

14 THE COURT: I don't see it there, but I'll look.
15 Now, was there ever a child support order entered in the
16 Dominican Republic or anywhere else?

17 THE WITNESS: No.

18 THE COURT: It doesn't appear that there was ever one
19 entered here.

20 THE WITNESS: No, not -- there was none entered.

21 THE COURT: And when Ms. Rosier filed in 2006 to
22 register the foreign decree and to raise those parenting
23 issues, at that time she was living in Arizona?

24 THE WITNESS: Yes, that's correct, Your Honor.

25 THE COURT: Where she continues to reside?

1 THE WITNESS: That's correct.

2 THE COURT: And you were residing where?

3 THE WITNESS: In Nashua, New Hampshire.

4 THE COURT: With the child?

5 THE WITNESS: That's correct.

6 THE COURT: And you continue to reside in Nashua?

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: Okay. Okay. You say in her financial
9 affidavit and uniform support order filed in July 2006, she
10 referenced this agreement, so let me look for that.

11 (Pause)

12 THE COURT: Well, there is a reference, but it was
13 proposed, it was submitted, it was not ordered, the court did
14 nothing with it since there was no request for child support
15 for that issue to be addressed.

16 Okay, all right. Anything further you want to say in
17 support of what it is that you're asking the Court to do here
18 today?

19 THE WITNESS: Just a couple points, Your Honor. One,
20 the amount, which is about \$105,000, is about 20 percent of the
21 cost if you look at the -- there's different websites. The
22 USDA did a government survey of the cost of raising a child,
23 ages one to 17. I've covered all that expense, I've raised
24 him, he's lived with me, very proud of that.

25 Her assets, if you look at her financial affidavit,

1 house value, a million seven -- or actually, it was a million
2 five at the time, I'm sorry, she's presently had it on the
3 market at 1.75 million. And other assets, she does not have to
4 work, her monthly expenses from that financial affidavit were
5 about 12,000 a month.

6 It's my estimation that, clearly, she can afford to
7 pay that, essentially, back child support. I could argue that
8 it's disproportionately low of the two financial affidavits.
9 What I'm basically asking, really, is made whole.

10 My son's, Connor's, a junior at National High School
11 South, and as he and I discuss, and he discusses with her,
12 colleges -- I know the Court is silent to how the courts pay --
13 or how college is paid for, but I need to understand my
14 financial position and I want to be sure what money I speak to
15 him I know I have, so I've requested that, essentially, back
16 child support be paid to me, let's see, before November 9th --
17 or November of 2009 so that I can speak clearly to him and make
18 financial decisions.

19 If she holds it to pay for college, my concerns are
20 twofold: One, I don't have any accounting of how much is
21 actually paid for college, and if by chance -- you know,
22 colleges are expensive, but grants or whatever, that amount is
23 more than what is needed for college, I don't know that I would
24 ever be made whole and she would pay me the balance of that
25 back child support.

1 So I ask the Court to basically have her pay me the
2 back child support. And if the Court decides that, in looking
3 at the financial affidavits, that the amount should be
4 different, I leave that to the Court's judgment if the amount
5 should be different.

6 THE COURT: I'm going to have to take this matter
7 under advisement and review it, but I have to tell you,
8 Mr. Strobel, candidly, there may be problems with the Court
9 granting you relief, and so you may need to speak -- I guess I
10 would suggest to you that you may want to speak to an attorney
11 about this.

12 Now, again, I need to review all of this, but I have
13 some concerns --

14 THE WITNESS: Okay.

15 THE COURT: -- about this Court's jurisdiction to
16 enter some kind of child support order against Ms. Rosier, who
17 has never resided in New Hampshire, and that the jurisdiction
18 of the Court with regard to child support enforcement of orders
19 becomes limited, number one.

20 Number two is that this Court has no authority to
21 even enforce an agreement between the two of you with regard to
22 the payment of college expenses.

23 THE WITNESS: Correct.

24 THE COURT: And that's not -- I understand exactly
25 what you're asking. You're saying that there's an agreement

1 that this money was being held in lieu of child support that
2 would then be used, you know, later on. The child is still a
3 minor --

4 THE WITNESS: Yes.

5 THE COURT: -- at this point, and so, you know, there
6 is still time to pursue this, and the question may be whether
7 or not you need to go to Arizona to pursue this based upon some
8 agreement in your divorce decree in the Dominican Republic with
9 regard to child support.

10 I haven't reviewed that entire decree, but this Court
11 never entertained the issue of child support, as far as I can
12 tell. Ms. Rosier did not come here and subject herself to the
13 jurisdiction of this Court with regard to child support. I
14 mean, maybe that's a debatable point.

15 So I just -- I want to review it. I'm just not sure
16 as I stand here. Clearly, she hasn't shown up and that --

17 THE WITNESS: Right.

18 THE COURT: -- maybe even makes it a little more
19 complicated, so I need to review it, but I just wanted you to
20 be aware that I'm anticipating that there may be some problems
21 with the Court granting you the relief that you're requesting,
22 which doesn't mean that you aren't necessarily entitled to that
23 relief, but it just may be that you need to go somewhere
24 else -- I'm thinking Arizona -- in order to pursue this.

25 Now, have you discussed this with Ms. Rosier and is

1 she -- I don't know how well you communicate. Is she
2 acknowledging that there is some fund and, you know, maybe
3 there's something that can be done by agreement or --
4 presumably no, or you wouldn't be here.

5 THE WITNESS: She's acknowledged the holding of the
6 child support, not to pay me it, I suppose is an option, as
7 opposed to, you know, being used for college. I believe --
8 well, a couple points. One, she actually did live in New
9 Hampshire for a period of time, actually when the Dominican --
10 prior to the Dominican divorce. It's where our son was born.
11 And she moved to Massachusetts and eventually to Arizona.

12 So my feeling is she feels that that money would be,
13 if you will, if we were to split college costs, for example,
14 part of her sharing of the cost versus actually being back
15 child support and then silent -- I know the Court is silent to
16 college costs, so whatever comes after that hundred thousand
17 would be between she and I, but she would feel that -- if
18 college was 200,000, for example, my belief is, if she said we
19 were splitting it, she would consider that her payment versus
20 actual back child support.

21 THE COURT: And the Dominican decree is silent on the
22 issue of child support?

23 THE WITNESS: I believe so, yes, Your Honor.

24 THE COURT: And as you said earlier, no court has
25 ever issued an order with regard to child support, and the

1 agreement that you had with her, you understand to be the
2 agreement, was something that was just between the two of you?

3 THE WITNESS: That's correct, Your Honor.

4 THE COURT: And is it in writing somewhere?

5 THE WITNESS: Yes, it is. I believe I filed it -- I
6 will check, but if I did not, I can provide it to the Court
7 certainly.

8 THE COURT: But you have it?

9 THE WITNESS: Yes.

10 THE COURT: Okay. Well, I'm not sure what I'm going
11 to do with this. It's a little bit complicated and I want to
12 review everything. I'm not unsympathetic to what you're asking
13 for, but I just -- you know, I'm feeling that I might be
14 somewhat constrained by what I'm able to do under the law, but
15 I'm going to review it all carefully before I issue a decision,
16 and you'll receive that in the mail. And whatever that is,
17 we'll provide you with some guidance on whether or not, and if
18 so, how you might proceed if you need to proceed somewhere
19 else.

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: All right. You're welcome.

22 (Proceedings concluded at 10:20 a.m.)
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24
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CERTIFICATE

I, Misty R. Peto, CET-612, a court approved proofreader, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter, to the best of my professional skills and abilities.

TRANSCRIPTIONIST: LISA HULM, CET-783

MISTY R. PETO, CET-612
Proofreader

December 6, 2015

STATE OF NEW HAMPSHIRE

9TH CIRCUIT COURT - FAMILY DIVISION - NASHUA

GAIL ROSIER,)	
)	
Petitioner,	)	Family Division Case No.
	)	226-2006-DM-00655
and)	
	)	Nashua, New Hampshire
JEFFREY STROBEL,	)	November 4, 2009
	)	9:33 a.m.
Respondent.)	
)	

HEARING

BEFORE THE HONORABLE JAMES J. BARRY, JR.
JUDGE OF THE CIRCUIT COURT - FAMILY DIVISION

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