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IN THE EIGHT JUDICIAL DISTRICT COURT OF UINTAH COUNTY,  
STATE OF UTAH, VERNAL

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OPPOSING PARTY,

Petitioner,

vs.

GOOD CLIENT,

Respondent.

**VERIFIED ANSWER AND  
COUNTERCLAIM**

Case No. 123456789

Judge: Edwin T. Peterson

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Respondent, Good Client, by and through her counsel of record, Saul Goodman, of and for the law firm Altioirem Legal Services, PLLC, hereby submits her Answer and Counterclaim in this action as follows:

**FIRST DEFENSE**

Petitioner's Verified Petition for Divorce (hereinafter referred to as the "Petition") fails to state a claim upon which relief may be granted.

**SECOND DEFENSE**

Respondent denies each and every allegation of the Petition not specifically addressed herein.

**THIRD DEFENSE**

The Petition is barred, in whole or in part, because of accord and satisfaction, assumption of risk, comparative fault, estoppel, lack of consideration, laches, license, payment, release, res

judicata, the statute of frauds, the statute of limitations, waiver, and/or because the Petitioner has engaged in inequitable conduct and comes to court with unclean hands to seek equitable relief.

#### **FOURTH DEFENSE**

Without waiving any of the foregoing defenses and objections, and while reserving Respondent's right to assert additional defenses and objections as the factual basis for them becomes known following an opportunity to conduct discovery, Respondent answers the specific allegations in Petitioner's Petition, as follows:

1. Admit.
2. Admit.
3. Admit.
4. Deny.
5. Deny.
6. Admit, to the best of Respondent's knowledge at this time.
7. Admit.
8. Deny.
9. Deny.
10. Deny.
11. Admit
12. Admit.
13. Admit.
14. Admit, as to both parties, not only as to Petitioner. Deny any and all other allegations of ¶ 14.

Respondent denies all other allegations of the Petition to which he has not previously responded above.

WHEREFORE, having fully answered the Petition, Respondent respectfully requests that it be dismissed with prejudice, that Petitioner take nothing thereby, that Respondent be awarded her attorney's fees incurred in this divorce action under the provisions of Utah Code §§ 30-3-5, 30-3-3, and 78B-5-825 and/or under this court's inherent equitable powers, and that relief be granted as prayed for in Respondent's counterclaim as set forth hereinbelow.

### **COUNTERCLAIM**

Respondent, Susan Matilda Barker, having fully answered the Petition, hereby counterclaims for divorce as follows:

1. Respondent incorporates her answer to Petitioner's Verified Petition for Divorce into her counterclaim.

### **THREE-MONTH RESIDENCY**

2. Petitioner is now and has been for a period of three or more months immediately prior to the filing of the Complaint for Divorce in this action, a resident of Uintah County, State of Utah.

3. Respondent is now and has been for a period of three or more months immediately prior to the filing of the Complaint for Divorce in this action, a resident the State of Utah.

4. During the marital relationship, the parties have resided in the state of Utah.

5. This court, therefore, has jurisdiction over the parties pursuant to Utah Code §78B-3-205.

### **MILITARY SERVICE STATUS**

6. Neither of the parties is serving in or has served in the United States military.

## **MARRIAGE**

7. The parties to this action are husband and wife, having been married on February 25, 2017, in Mapleton, Utah County, State of Utah, and are currently married.

## **NO MINOR CHILDREN BORN AS ISSUE OF, OR ADOPTED DURING, THIS MARRIAGE**

8. No children, minors or adults, have been born as issue of, or adopted during, this marriage.

## **PUBLIC ASSISTANCE STATEMENT – ORS**

9. Neither Petitioner nor Respondent are receiving any public assistance for the benefit of dependent children because the parties do not have any dependent children.

## **GROUND**

10. Irreconcilable differences have arisen between the parties, making continuation of the marriage impossible and the marriage no longer viable.

## **ALIMONY**

11. The financial condition and needs of Respondent are such that she is in need of alimony.

12. Petitioner's earning capacity, ability to produce income, current income source(s), and future income source(s) are such that he can pay alimony.

13. Respondent should be awarded alimony for an equitable period of time according to her need and to the Petitioner's ability to pay alimony.

14. Petitioner should pay for Respondent's continuing health insurance coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) for a period of up to 36 months, or until Respondent obtains comparable coverage through an individual insurance plan of her own that is reasonably priced and that Respondent can afford, whichever event occurs first.

## **REAL PROPERTY**

15. The parties have not acquired real property during the marriage, and so no disposition of real property is needed or possible in this case.

## **BANK, CREDIT UNION, AND OTHER FINANCIAL ACCOUNTS**

16. The parties have acquired bank accounts and other financial and other asset accounts and/or accrued funds in bank accounts and other financial and other asset accounts during the course of their marriage.

17. The parties' financial accounts and other financial asset accounts acquired during the course of their marriage and the funds in any such accounts accrued during the marriage should be fully identified, inventoried, and divided equitably between the parties.

## **RETIREMENT ACCOUNTS**

18. Any retirement or pension or profit-sharing accounts or other benefits acquired or accrued by the parties during the marriage should be fully identified, inventoried, and divided equitably between the parties.

## **DEBTS**

19. If marital debts and obligations exist, they should be fully identified, inventoried, and the responsibility therefor divided equitably between the parties.

20. Petitioner should be obligated to pay the Respondent's medical and other health care related debts and obligations that she incurred during the parties' marriage.

## **PERSONAL PROPERTY**

21. Previous to and during the course of the parties' marriage, the parties acquired various personal property.

22. The parties should each be awarded the personal property each owned prior to marriage.

23. The parties have acquired personal property during the course of their marriage.

24. The parties' personal property acquired during the course of their marriage should be fully identified, inventoried, and divided equitably between the parties.

25. The parties should be ordered to exchange immediately all items whose distribution is not in dispute and to attend mediation immediately to resolve any disputes as to further distribution.

26. If the parties cannot agree on an equitable division of the property, each party should be ordered to make a detailed list of the items in the home, the value of the items, and a proposed distribution of the items, so that the court can identify and divide personal property between the parties.

#### **ATTORNEY FEES**

27. Each party should pay his or her own attorney fees and court costs incurred, unless the court determines that one party should be awarded attorney's fees against the other under the applicable provisions of the Utah Code.

#### **OTHER PROVISIONS**

28. Each party should be ordered to execute and deliver any necessary documents to transfer the title and ownership of the property of the parties pursuant to the Decree entered in this matter.

29. Any and all property and money received or retained by either party under the Decree of Divorce should be deemed the separate property of such party free and clear of any right, interest or claim of the other party, including the right to inherit or to be named as a beneficiary

except as specifically awarded therein, and each party should have the right hereafter to use and enjoy, independently of any claim or right of the other party, all items of real or personal property awarded to them.

30. It is reasonable that, if either party fails in the performance of any of his or her obligations under the Decree, the aggrieved party should have the right to sue for damages resulting from the breach thereof, or to seek such other legal remedies that may be available to him or her, including attorney's fees, court, and litigation costs being awarded for the breach.

#### **DUTY TO SIGN DOCUMENTS WHICH IMPLEMENT DECREE OF DIVORCE**

31. Both parties should be ordered to sign and fully execute whatever documents are necessary for the implementation of the provisions of their divorce decree. Should a party fail to execute a document after the entry of their divorce decree, the other party may bring an Order to Show Cause at the expense of the disobedient party and ask that the Court appoint some other person to execute the document pursuant to Rule 70 of the Utah Rules of Civil Procedure. Any document executed pursuant to Rule 70 has the same effect as if executed by the disobedient party.

#### **OTHER RELIEF AS EQUITABLE AND JUST**

32. The Court should grant Respondent such other and further relief as it may deem just and appropriate in this matter.

WHEREFORE, Respondent asks that she be granted a divorce pursuant to the terms of this Counterclaim, and for such other relief as the court deems equitable under the circumstances.

DATED January 3, 2020.

Altioem Legal Services, PLLC

/s/ Saul Goodman,  
Saul Goodman,  
Attorney for Respondent

VERIFICATION

I hereby declare under criminal penalty under the law of the State of Utah that the foregoing is true and correct.

Signed on: January 3, 2020.

At: State of Utah

Signature: /s/ Good Client\*

Good Client, Respondent and Counterclaimant

\*Signed electronically by counsel for Respondent, with permission.

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2020, I caused a true and correct copy of the foregoing to be served by electronic filing upon:

Opposing Counsel

/s/ Saul Goodman