

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D18312
W/kmg

_____AD3d_____

Submitted - January 31, 2008

REINALDO E. RIVERA, J.P.
HOWARD MILLER
MARK C. DILLON
ARIEL E. BELEN, JJ.

2007-06514

DECISION & ORDER

In the Matter of Alida Rempe, appellant,
v Vincent Rempe, respondent.

(Docket No. F-00754/07)

Foster & Vandenburg, LLP, Riverhead, N.Y. (Taya N. Williams of counsel), for
appellant.

In a support proceeding pursuant to Family Court Act article 4, the wife appeals from an order of the Family Court, Suffolk County (Luft, J.), dated June 8, 2007, which denied her objections to so much of an order of the same court (Buetow, S.M.), dated March 30, 2007, as, after a hearing, inter alia, granted her petition only to the extent of awarding her maintenance in the sum of \$1,000 per month.

ORDERED that the order dated June 8, 2007, is modified, on the law, by deleting the provision thereof denying the wife's objection to so much of the order dated March 30, 2007, as granted her petition only to the extent of awarding her maintenance in the sum of \$1,000 per month, and substituting therefor a provision sustaining that objection and modifying the order dated March 30, 2007, to award the wife maintenance in the sum of \$2,130 per month; as so modified, the order dated June 8, 2007, is affirmed, without costs or disbursements.

Pursuant to Family Court Act § 412, "[a] married person is chargeable with the support of his or her spouse and, if possessed of sufficient means or able to earn such means, may be required to pay for his or her support a fair and reasonable sum, as the court may determine, having due regard to the circumstances of the respective parties." The determination of a husband's support obligation depends on the particular circumstances of the case, including his financial means, his need

March 4, 2008

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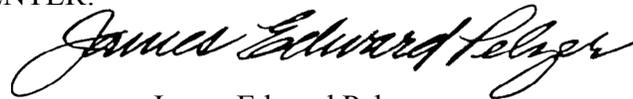
to have money with which to live after payments are made, the duration of the marriage, and the wife's ability to support herself (*see Matter of Christian v Christian*, 5 AD3d 765, 766; *Matter of Mastrogiacomo v Mastrogiacomo*, 149 AD2d 708, 709).

Based upon our review of the record, the evidence warrants a maintenance award to the wife in the sum of \$2,130 per month.

The wife's remaining contentions are without merit.

RIVERA, J.P., MILLER, DILLON and BELEN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

James Edward Pelzer
Clerk of the Court