PUBLICATION UPDATE

Route to:		

Florida Family Law Practice Manual

Publication 80643 Release 89 September 2022

HIGHLIGHTS

Rules and Forms

- General Magistrates— Florida Amendments to Family Law Rule of Procedure 12.490 have changed procedures applicable to (1) general magistrate transmits recommendations to court, (2) court's required action on receipt of magisrecommendations, trate's and (3) party's challenge to magistrate's recommendations; additionally, amended Florida Family Law Rule of Procedure Forms 12.911(a)–(b) reflect Rule 12.490 amendments.
- Service of Subpoenas—An amendment to Florida Family Law Rule of Procedure 12.410 removes requirement that party who issues subpoena must serve notice to each party on same day that subpoena is served.

Cases

- Alimony. In bifurcated proceedings, a trial court may order temporary, postjudgment spousal support as a form of "interim" support separate from any prior award of temporary alimony.
- Child Support. In-kind contributions from parent's fiancé may not be included in parent's income for purposes of calculating child support.
- Paternity—Child's mother may not petition to disestablish paternity under Florida Statutes Section 742.18.

Legislation

New legislation sets forth specific duties of communication by district school boards with parents, requires school personnel to inform parents about matters concerning their children's physical and mental health,

and requires personnel to encourage students to discuss issues related to their well-being with their parents. Additionally, the new law prohibits classroom instruction by school personnel and third parties about sexual orientation or gender identity in (1) in kindergarten through grade 3 classes; or (2) in a manner that is not ageappropriate or developmentally appropriate for students according to state standards required to be established or updated by the Florida of Education. Finally, the law establishes a right in parents to sue for declaratory or injunctive relief if the parents' complaints concerning alleged violations of the law "cannot" be resolved through the school principals within seven days or school districts within 30 days. Courts in which such suits are brought may award damages to the parents, and must award attorneys' fees and court costs to parents who are granted declaratory or injunctive relief [see 2022 Fla. Laws, ch. 2022-22 § 1, creating Fla. Stat. § 1001.42; see also ch. 8, Parental Responsibility and Timesharing].

Rules

General Magistrates. The Florida Supreme Court has adopted amendments to Florida Family Law Rule of Procedure 12.490. The amendments are covered in this release [see In re Amendments to Fla. Fam. Law Rules of Proc. 12.490 & 12.491, & Forms 12.920(a)–(c), 47 Fla. L. Weekly S 94, ___ So. 3d ___, 2022 Fla. LEXIS 498 (Fla. March 24, 2022); see also

Chapter 13, Dissolution Trial/Final Judgment].

Most significantly, Rule 12.490 has been revised to provide that a general magistrate must submit a recommended order to the court, which must enter the order unless it is facially or legally deficient [see Fla. Fam. L. R. P. 12.490(e)(1), (3)]. Previously, a general magistrate was required to file a report containing recommendations with the court, and the court was required to take "appropriate action" with regard to the report [see former Fla. Fam. L. R. P. 12.490(e)-(f)]. Also, amended Rule 12.490 provides that a party may seek review of an order entered by the court by filing a motion to vacate within 10 days from the date the order was entered [see Fla. Fam. L. R. P. 12.490(e)(3)]. Previously, parties were authorized to file exceptions to a general magistrate's report within 10 days of the date of service on them [see former Fla. Fam. L. R. P. 12.490(f)].

Under the previous version of Rule 12.490, a party's exceptions were required to be heard on reasonable notice by either party or the court [see former Fla. Fam. L. R. P. 12.490(f)]. In contrast, amended Rule 12.490 sets forth more specific requirements concerning a hearing on a challenge to a magistrate's recommendation. Specifically, a motion to vacate a magistrate's recommended order that has been entered by the court must be heard within 30 days from the date the motion is filed,

unless the time is extended by the court [see Fla. Fam. L. R. P. 12.490(e)(4)]. The party who files the motion to vacate must try to schedule a hearing date at the time of filing the motion, and failure to do so may result in denial of the motion [see Fla. Fam. L. R. P. 12.490(e)(5)]. No later than 30 days after the hearing on a motion to vacate, the judge must enter an order on the motion [see Fla. Fam. L. R. P. 12.490(e)(4)].

Amended Rule 12.490 provides that enforcement of a magistrate's recommended order entered by the court is stayed if a motion to vacate is timely filed. The stay is effective until after the court has conducted a hearing on the motion to vacate and renders an order granting or denying the motion [see Fla. Fam. L. R. P. 12.490(e)(6)].

This release also incorporates minor amendments to Florida Family Law Rule of Procedure 12.491, which governs proceedings before child support hearing officers [see In re Amendments to Fla. Fam. Law Rules of Proc. 12.490 & 12.491, & Forms 12.920(a)–(c), 47 Fla. L. Weekly S 94, ___ So. 3d ___, 2022 Fla. LEXIS 498 (Fla. March 24, 2022); see also ch. 9, Child Support].

The text of the amended Rules 12.490 and 12.491 are set forth in Volume 3. Amended forms adopted by the Florida Supreme Court to reflect the amendments to Rule 12.490 are set forth in Volume 4, and are discussed below under "Forms."

Service of Subpoenas. An amendment to Florida Family Law Rule of

Procedure 12.410 removes the requirement that a party who issues a subpoena must serve notice to each party on the same day the subpoena is served [see In re Amendments to Fla. Fam. Law Rule of Proc. 12.410, 334 So. 3d 575 (Fla. 2021); see also ch. 7, Discovery]. The text of the amended rule is set forth in Volume 3.

Summary Judgment. In response to comments, the Florida Supreme Court adopted additional revisions to Florida Family Law Rule of Procedure 12.510, which was amended in July of 2021 to incorporate the federal standard for summary judgment set forth in Federal Rule of Civil Procedure 56. The recent additional amendments to Rule 12.510 (1) require a statement in a motion for summary judgment that explains how to respond and the consequences of failing to respond, and (2) provide that no motion for summary judgment may be filed while the movant's responses to mandatory disclosures are pending [see In re Amendments to Fla. Fam. Law Rule of Proc. 12.510, 335 So. 3d 90 (Fla. 2022)]. Justice Labarga dissented, agreeing with a comment filed by the Florida Bar's Family Law Rules Committee. According to the Committee, the unique context of family law proceedings and the specific procedural and statutory requirements that apply to such proceedings, including the continuing duty to supplement discovery, render the federal standard "not a good fit" in family law [see In re Amendments to Fla. Fam. Law Rule of Proc. 12.510, 335 So. 3d 90 (Fla. 2022) (Labarge, J., dissenting)]. The text of the amended rule is set forth in Volume 3.

Pleadings and Motions— Captions. The Florida Supreme Court has adopted amendments to Florida Family Law Rule of Procedure 12.100 that, most significantly, provide that a court may allow a change to a caption if good cause is shown [see In re: Amendments to Fla. Fam. Law Rule of Proc. 12.100, 2022 Fla. LEXIS 497, 47 Fla. L. Weekly S96, ___ So. 3d ___ (Fla. March 24, 2022)]. The text of the amended rule is set forth in Volume 3.

Parenting Coordinators. A number of rules governing parenting coordinators have been renumbered throughout this publication to reflect official changes in numbering [see In re Amendments to the Fla. Rules for Qualified & Court-Appointed Parenting Coordinators, 46 Fla. L. Weekly S 370, ___ So. 3d ___, 2021 Fla. LEXIS 1943 (Fla. December 2, 2021); see also ch. 8, Parental Responsibility and Timesharing].

Forms

General Magistrates—Referral and Hearing. The Florida Supreme adopted Court amendments Florida Family Law Rules Of Procedure Forms 12.920(a), Motion For Referral To General Magistrate, 12.920(b), Order Of Referral To General Magistrate, and 12.920(c), Notice Of Hearing Before General Magistrate. The amendments reflect changes to Florida Family Law Rule Procedure 12.490 (discussed above under "Rules"). Additionally, language is added to the forms' instructions to explain the requirements for electronic filing and service. Finally, language is added to Form 12.920(c) to explain that the ability of the party to pay is a critical issue in contempt proceedings [see In re Amendments to Fla. Fam. Law Rules of Proc. 12.490 & 12.491, & Forms 12.920(a)–(c), 47 Fla. L. Weekly S 94, ___ So. 3d ___, 2022 Fla. LEXIS 498 (Fla. March 24, 2022)]. The amended forms are set forth in Volume 4.

Child Witnesses. The Florida Supreme Court also adopted amendments to Florida Family Law Rules of Procedure Forms 12.911(a) and (b). The amendments reflect 2018 amendments to Florida Family Law Rule of Procedure 12.407, which requires that a court order be obtained before a child who is a witnesses or potential witness or who is related to a family law case may be (1) brought to court; (2) brought to a deposition; or (2) subpoenaed [see In re Amendments to Fla. Fam. Law Rules of Proc.-Forms 12.911(a)-(e), 47 Fla. L. Weekly S96 (Fla. March 24, 2022)]. The amended forms appear in Volume 4.

Note: According to the Florida Supreme Court's opinion, Forms 12.911(c)–(e) were also amended. However, the official Florida courts website did not yet contain the amended versions of those forms as of the time this release was prepared.

Child Support Guidelines Worksheet. Minor amendments to Florida Family Law Rules of Procedure

Form 12.902(e), *Child Support Guidelines Worksheet* and the instructions accompanying it have been adopted by the Florida Supreme Court [see In re: Amendments to Fla. Fam. Law Rules of Proc. Form-12.902(e), 47 Fla. L. Weekly S 5, ____ So. 3d ____, 2022 Fla. LEXIS 74 (Fla. January 13, 2022)]. The amended form is set forth in Volume 4.

Cases

New Holdings:

Alimony

In bifurcated proceedings, an initial judgment dissolving the parties' marriage may properly include an order to one spouse to pay temporary, postjudgment spousal support to the other spouse, pending the final determination of alimony. However, such an order for interim support must include specific findings as to why such support is warranted and characterize the support as an advance on final alimony. The court may not order that the payor continue to pay "temporary alimony," because that is a specific type of common law alimony that can only be ordered prior to dissolution of marriage [see Ogle v. Ogle, 334 So. 3d 699, 2022 Fla. App. LEXIS 1274, 47 Fla. L. Weekly D507 (Fla. 1st DCA February 23, 2022); see also ch. 10, Alimony].

Child Support

In-kind contributions from a parent's fiancé may not be included in a parent's income for purposes of calculating child support. There is no reason to treat such contributions differently from the contributions of a parent's new spouse, which may not be included in his or her income [see Sunderwirth v. Sunderwirth, 332 So. 3d 1087 (Fla. 2d DCA 2022); see also ch. 9, Child Support].

Paternity

A child's mother may not petition to disestablish paternity under Florida Statutes Section 742.18. The statute only permits a "male" to disestablish paternity, if he is not the child's biological father [see Castillo v. Rodriguez, 332 So. 3d 1050 (Fla. 3d DCA 2021); see also ch. 9, Child Support].

Discovery

The constitutional protection extended to individuals' financial records under Article I, Section 23 of Florida's Constitution does not apply to corporations or other business entities [Network Communs. of Nw. Fla., Inc. v. Dep't of Rev., 334 So. 3d 707, 710 (Fla. 1st DCA 2022); see ch. 7, Discovery].

Clarifications of Existing Law:

Parental Responsibility and Timesharing

Issues of special concern exist in connection with judicial determinaregarding tions PAS ("Parental Alienation Syndrome", also known as "Parental Alienation Disorder" (PAD)). If a court orders that the parties' child be enrolled in a program that specializes in PAS, the court may temporarily prohibit contact between the child and the parent who is alienating him or her from the other parent, and give the other parent sole timesharing and decision-

[see Logreira v. Logreira, 322 So. 3d 155, 158-159 (Fla. 3d DCA 2021)]. Like other parental responsibility and timesharing decisions, decisions concerning PAS and PAS programs implicate rights of a constitutional dimension, and the law permits a complete denial of parental rights only under the most extreme of circumstances. Therefore, no-contact periods must be ordered and extended only for reasons that satisfy those governing constitutional protections and legal imperatives. In addition, a court ordering a child's participation in a PAS program must avoid abdicating its decisional role concerning the child's best interests to the PAS program [see Cisneros v. Guinand, 332 So. 3d 1041 (Fla. 3d DCA 2021): see also ch. 8. Parental Responsibility and Timesharing].

making during the no-contact period

Child Support

The doctrines of waiver and laches are not interchangeable. A parent may not waive his or her child's right to child support, but he or she may be denied enforcement of support if elements of laches are established [see Alcalde v. Alcalde, ____ So. 3d ____, 2022 Fla. App. LEXIS 1633, 47 Fla. L. Weekly D593 (Fla. 3d DCA March 9, 2022); see also chs. 9, Child Support; 14, Enforcement].

Alimony

An award of durational award may not exceed the length of the marriage [Fla. Stat. § 61.08(7)]. This statutory directive is clear and unambiguous and therefore, a court may not exercise discretion and award durational

alimony for a greater time [Whyte v. Whyte, 337 So. 3d 18, 2022 Fla. App. LEXIS 1399, 47 Fla. L. Weekly D525 (Fla. 4th DCA March 2, 2022); see Fla. Stat. § 61.08(4) (length of marriage begins on date of marriage and ends on date action for dissolution of marriage was filed); see also ch. 10, Alimony].

A court must make findings that support the time period during which durational alimony is ordered to be paid [see Rea-Manna v. Manna, 336 So. 3d 804, 2022 Fla. App. LEXIS 2058, 47 Fla. L. Weekly D709 (Fla. 1st DCA March 23, 2022); see also ch. 10, Alimony]

Equitable Distribution

In a case involving the sale of two businesses, the Fifth District Court of Appeal rejected the notion that a tax consequence must be imminent before a trial court is required to consider it in equitable distribution. In the case before the Fifth District, a husband to whom two marital businesses was awarded testified that he planned to retire and sell the businesses in approximately five years, and he asked the trial court to consider the capital gains tax consequence he would experience when he sold the businesses as part of its equitable distribution scheme. The trial court found that there was no evidence of an "imminent" sale of either business and no evidence that the husband was negotiating a sale at the time of the hearing. On that basis, the trial court characterized the sale of the businesses as "hypothetical," and denied the husband the capital gains tax consideration he had requested. The Fifth District reversed, holding that a trial court is not precluded from considering future tax consequences simply because there is no evidence that a sale of an asset is imminent [see Bathke v. Costley, 332 So. 3d 1076 (Fla. 5th DCA 2021); see also ch. 10b, Equitable Distribution of Marital Assets].

Marital Settlement Agreements

A marital settlement agreement (MSA) may properly be deemed to be incorporated into a final judgment if the trial court indicates that it has reviewed the MSA and the MSA provides that the court will retain jurisdiction to enforce it [see Orth v. Orth, 338 So. 3d 363, 2022 Fla. App. LEXIS 2392, 47 Fla. L. Weekly D775 (Fla. 3d DCA March 30, 2022); see also ch. 11, Marital Settlement Agreements Negotiated by the Parties].

New Cases Concerning Established Law:

Parental Responsibility and Timesharing

A grant of authority to one parent to make ultimate decisions concerning any matter on which the parties cannot agree effectively awards sole parental responsibility to the parent with ultimate decisionmaking and is improper unless the court makes a specific finding that shared parental responsibility would be detrimental to the child [see De La Fe v. De La Fe, 332 So. 3d 60, 62 (Fla. 2d DCA 2021) (grant of authority to one parent to serve as "tie-breaker" if parties

cannot agree constitutes generalized award of ultimate decisionmaking and therefore constitutes award of sole parental responsibility); see also ch. 8, Parental Responsibility and Timesharing].

Parents' successful attempts to overcome substance abuse problems do not qualify as substantial changes in circumstances for purposes of modification of timesharing or parental responsibility [see Daniello v. Settle, 336 So. 3d 1224, 2022 Fla. App. LEXIS 1402, 47 Fla. L. Weekly D528 (Fla. 4th DCA March 2, 2022); see also chs. 8, Parental Responsibility and Timesharing, 15, Modification].

If no court order has been entered that addresses custody of a child born out of wedlock, the mother possesses primary rights to care and custody of the child and even if the father's paternity has been legally established, he does not possess equal custody rights with the mother [see Nelson v. Mirra, 335 So. 3d 236, 2022 Fla. App. LEXIS 1978, 47 Fla. L. Weekly D689 (Fla. 5th DCA March 21, 2022); see also ch. 8, Parental Responsibility and Timesharing].

Child Support

A court's failure to attach a child support guidelines worksheet to a final order constitutes reversible error. This is true even if the trial court referenced the worksheet in its final order and intended to attach the worksheet [see Dorvilien v. Verty, 335 So. 3d 146, 2022 Fla. App. LEXIS 2044, 47 Fla. L. Weekly

D707 (Fla. 4th DCA March 23, 2022); see also ch. 9, Child Support].

Equitable Distribution

Showing that funds from a non-marital inheritance were used to make a downpayment on jointly owned real property does not, by itself, establish that the funds were "anything other than a gift," and therefore, is insufficient to overcome the statutory presumption that all real property held as tenants by the entireties must be presumed to be a marital assets [see Chatten v. Chatten, 334 So. 3d 633 (Fla. 4th DCA 2022); see also Fla. Stat. § 61.075(5)(a)5.; ch. 10b, Equitable Distribution of Marital Assets].

If a trial court allocates an asset like a home or vehicle that is encumbered by jointly held debt to one spouse, the court should order the recipient-spouse to attempt to refinance the encumbered asset within a reasonable time, and should include a hold-harmless provision in the final judgment of dissolution to protect the other spouse if the recipient-spouse is unable to obtain refinancing [see Goff v. Goff, 331 So. 3d 312 (Fla. 2d DCA 2022); see also ch. 10b, Equitable Distribution of Marital Assets].

Attorneys' Fees

If a party fails to present any competent evidence to support the amount of fees requested by him or her, an appeals court will not order a remand to give the party another opportunity to prove the amount of fees [Schreiber v. Schreiber, 331 So. 3d 874, 878 (Fla. 5th DCA 2021)].

The secular terms of "Mahr" agreements, which are traditional Islamic premarital agreements that are entered into as part of religious ceremonies, are enforceable in Florida as contractual obligations [see Parbeen v. Bari, 337 So. 3d 343, 2022 Fla. App. LEXIS 1802, 47 Fla. L. Weekly D641 (Fla. 4th DCA March 16, 2022); see also ch. 1, Marriage].

New Discussions in This Publication:

A new, dedicated discussion has been added to address the use of constructive trusts in equitable distribution. Included is discussion of the purpose and elements of a constructive trust, and its specific application in two marital dissolution cases [see Silvas v. Silvas, 334 So. 3d 630 (Fla. 4th DCA 2022); Saporta v. Saporta, 766 So. 2d 379, 381 (Fla. 3d DCA 2000); see also ch. 10b, Equitable Distribution of Marital Assets].

In this release, a new discussion has been added about the requirements for otherwise nonmarital vehicles to be considered marital assets [see Twigg v. Twigg, ____ So. 3d ____, 2022 Fla. App. LEXIS 3156, 47 Fla. L. Weekly D1016 (Fla. 2d DCA May 6, 2022); see also ch. 10b, Equitable Distribution of Marital Assets].

Matthew Bender provides continuing customer support for all its products:

- Editorial assistance—please consult the "Questions About This Publication" directory printed on the copyright page;
- Customer Service—missing pages, shipments, billing or other customer
- service matters, +1.800.833.9844.
- Outside the United States and Canada, +1.937.247.0293, or fax (+1.800.828.8341) or email (international@bender.com);
- Toll-free ordering (+1.800.223.1940)
 or visit
 www.lexisnexis.com/BrowseUs.



www.lexis.com

Copyright © 2022 Matthew Bender & Company, Inc., a member of the LexisNexis Group. Publication 80643, Release 89, September 2022

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.

FILING INSTRUCTIONS

Florida Family Law Practice Manual

Publication 80643 Release 89 September 2022

Check
As
Done

1. Check the Title page in the front of your present Volume 1. It should indicate that your set is filed through Release Number 88. If the set is current, proceed with the filing of this release. If your set is not filed through Release Number 88, DO NOT file this release. Please call Customer Services at 1-800-833-9844 for assistance in bringing your set up to date.

□ 2. This Release Number 89 contains only White Revision pages.

□ 3. Circulate the "Publication Update" among those individuals interested in the contents

of this release.

Check As Done Remove Old Pages Numbered

Insert New Pages Numbered

For faster and easier filing, all references are to right-hand pages only.

VOLUME 1

Revision		
	Title page thru ix	Title page thru ix
	1-37	1-37 thru 1-38.1
	3-9 thru 3-15	3-9 thru 3-15
	4-15	4-15 thru 4-16.1
	4-29 thru 4-39	4-29 thru 4-39
	7-15 thru 7-21	7-15 thru 7-21
	7-35 thru 7-37	7-35 thru 7-38.1
	7-53 thru 7-55	7-53 thru 7-57
	8-1	8-1 thru 8-2.1
	8-11 thru 8-23	8-11 thru 8-24.3
	8-58.1 thru 8-75	8-59 thru 8-76.3
	8-87 thru 8-90.1	8-87 thru 8-90.2(1)
	8-92.1 thru 8-99	8-93 thru 8-100.11
	8-105 thru 8-113	8-105 thru 8-114.1
	9-3 thru 9-12.1	9-3 thru 9-12.1
	9-36.1	9-36.1
	9-70.1 thru 9-89	9-71 thru 9-90.1
	10-1 thru 10-7	10-1 thru 10-8.1
	10-25	10-25 thru 10-26.1
	10-51 thru 10-59	10-51 thru 10-59
	10-76.1	10-76.1 thru 10-76.2(1)
	10-81	10-81 thru 10-82.1
	VOLUME 2	
Revision		
	Title page thru vii	Title page thru vii
	10B-1 thru 10B-2.1	10B-1 thru 10B-2.1
	10B-16.1 thru 10B-17	10B-17 thru 10B-18.1
	10B-35	10B-35
	10B-44.1 thru 10B-44.7	10B-44.1 thru 10B-44.7
	10B-53 thru 10B-61	10B-53 thru 10B-62.5
	10B-70.1 thru 10B-71	10B-71 thru 10B-72.1
	10B-85	10B-85 thru 10B-87
	11-1 thru 11-3	11-1 thru 11-3
	11-17 thru 11-19	11-17 thru 11-20.1

Check As Done	Remove Old Pages Numbered	Insert New Pages Numbered
	11-37. 11-47. 12-3 thru 12-5 12-17 thru 12-23 13-1 thru 13-3 13-15 thru 13-43 14-3 14-15. 14-51 thru 14-52.3 14-67 thru 14-77 14-87 thru 14-105 15-16.3 15-39. 17-2.1 thru 17-3 17-19. 17-39 thru 17-40.1 17-61 thru 17-63	11-37 thru 11-38.1 11-47 12-3 thru 12-6.1 12-17 thru 12-24.7 13-1 thru 13-4.1 13-15 thru 13-39 14-3 thru 14-4.1 14-15 14-51 thru 14-52.3 14-67 thru 14-77 14-87 thru 14-111 15-16.3 thru 15-16.4(1) 15-39 thru 15-40.1 17-3 thru 17-4.1 17-19 thru 17-20.1 17-39 thru 17-40.2(1) 17-61 thru 17-63
	VOLUME 3	18-69 thru 18-83
D!-!	VOLUME 3	
Revision	Title page	Title page
	3	3 thru 4.1 23 thru 28.1 71 thru 74.1 87 thru 92.1 101 thru 114.3 TC-1 thru TC-85 TS-1 thru TS-31 I-1 thru I-29
	3	3 thru 4.1 23 thru 28.1 71 thru 74.1 87 thru 92.1 101 thru 114.3 TC-1 thru TC-85 TS-1 thru TS-31

FILE IN THE FRONT OF THE FIRST VOLUME OF YOUR SET

To order missing pages log on to our self service center, www.lexisnexis.com/printcdsc or call Customer Services at 1 (800) 833-9844 and have the following information ready:

- (1) the publication title;
- (2) specific volume, chapter and page numbers; and
- (3) your name, phone number, and Matthew Bender account number.

Please recycle removed pages.

MISSING FILING INSTRUCTIONS? FIND THEM AT www.lexisnexis.com/printcdsc

Use the search tool provided to find and download missing filing instructions, or sign on to the Print & CD Service Center to order missing pages or replacement materials. Visit us soon to see what else the Print & CD Service Center can do for you!



www.lexis.com

Copyright © 2022 Matthew Bender & Company, Inc., a member of the LexisNexis Group. Publication 80643, Release 89, September 2022

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.