

Essay Question No. 5

Answer this question in booklet #5

Mark and Sally began dating in Alaska in 1997. They moved in together. In 1998, they looked for a cabin to buy. They found a place and Sally made the down payment. Only Sally's name was on the cabin title. Sally also put the utilities in her name. Sally told Mark she did not want him on her financial obligations because his credit rating was bad.

The mortgage was \$900 a month. The couple decided that Sally would pay more of the mortgage because of her higher income. Mark paid Sally \$350 a month towards the mortgage and she paid the other \$550. They split equally the utilities and other household expenses. Mark used his carpentry skills to do the routine cabin maintenance. Mark told Sally he was going to remodel the spare room into a workroom. Sally had wanted a home office but let Mark have his way. Mark built shelves and a workbench from scrap lumber he scavenged.

After a year, they learned the cabin roof needed major repair. Sally took out a loan to hire the roofers. In addition to his other payments, Mark paid half of each monthly roof loan payment during the two-year loan repayment term.

After five years, Sally met someone else and asked Mark to move. Mark moved and Sally decided to sell the cabin. The cabin's value had increased by \$40,000. Mark asked Sally to pay him his half of the sales proceeds. She told him that as far as she was concerned he had been renting from her and he was not entitled to any money.

1. What arguments can Mark make to support a claim that he is entitled to a portion of the proceeds from the sale of the cabin under Alaska law? What should Sally argue in opposition? Explain.

2. Assume for this question only the following facts: Mark and Sally had three minor children. After mandatory paycheck deductions, Sally's income is higher than Mark's. When the parties split up, Mark took primary physical custody of the two youngest children. Sally has primary physical custody of the oldest child. One of the children living with Mark has a severe speech impediment. Mark hired a speech therapist to see the child twice a week. The therapist is expensive but the pediatrician strongly recommended it. Every June and July all three children live with Sally because Mark's workload increases in the summer.

How should the court determine the child support amount under Alaska's Civil Rules? Explain.