

**No. 24-0395**

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**In the**

**Supreme Court of Texas**

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**In Re: Charles Dustin Myers,**

*Relator.*

---

**On Rehearing**

**FIRST AMENDED**

**PETITION FOR WRIT OF MANDAMUS**

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Presented for the Court's reconsideration,

Charles Dustin Myers,  
Chuckdustin12@gmail.com  
6641 Anne Court  
Watauga, Tx 76148  
817-507-6562

## **IDENTITY OF PARTIES AND COUNSEL**

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Relator certifies that the following is a list of all parties and all counsel  
who have appeared in this matter:

***RELATOR***

Charles Dustin Myers

***RESPONDENT(s)***

Honorable District Judge James Munford  
Honorable Associate Judge Jeffrey Kaitcer  
322<sup>nd</sup> Judicial District Court  
200 E Weatherford St  
Fort Worth, Texas 76102

***RELATOR'S PRIOR  
COUNSEL***

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***REAL PARTY IN INTEREST***  
Morgan Michelle Myers

***COUNSEL FOR  
REAL PARTY IN INTEREST***

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## INTRODUCTION

The law is a remarkable institution, built to evolve, adapt, and ensure that justice and fairness are upheld at all costs. Yet, in this case, despite glaring procedural failures, the legal process has fallen short of delivering the remedy that justice demands. Throughout the entire scope of the Texas judiciary, there has been no response from the opposing party—no depositions, no witness lists, no admitted evidence, and most critically, no meaningful hearing. These omissions have not just gone unanswered; they've left harm unaddressed, with the full consequences still unresolved.

The pleadings in this case tell the entire story—because, in truth, there's nothing else to go off of. Third-party influences, embedded within the clerk's records before this case even began, have quietly fueled this destruction, unnoticed by the system. The lack of response, discovery, or any trace of substantive legal engagement raises a troubling question: how did we reach the summit of the judiciary with nothing more than general denials as our compass?

What's remarkable about the law is that before a court can entertain such an unbelievable situation, the Relator must meet a heavy burden. This case has traveled through the courts without resolution, its impact growing heavier with every missed safeguard. That burden is now before this Court, and it is here, at the threshold of justice, that the Relator turns to address it.

## REASONS TO GRANT REHEARING

Relator files this First Amended Motion for Rehearing pursuant to Tex. R. App. P. 52.9, and 10.1(a). In support of this motion, Relator shows the following:

1. The Supreme Court of Texas denied a Petition for Writ of Mandamus in case **24-0395** on **2024-08-30**. Therefore, the Motion for Rehearing is due no later than **2024-09-16**.

2. The Relator filed his Motion for Rehearing on **09-10-2024** and was later amended on **09-16-2024** to provide clarity to the Court regarding the Sullivan case backdrop.
3. In support of this first amended motion, the Relator highlights the following unresolved issues:

### **I. Overlooked due process and ethical concerns must be addressed**

A. The present case bears some procedural resemblance to *Sullivan v. Lepage-Sullivan*, but the differences in how these complaints were addressed are both substantial and troubling. In *Sullivan*, the parties appeared in court on April 16, 2013, and through their counsel announced an agreement on Yvonne's motion for temporary orders. The court specifically noted that "Yvonne's counsel would prepare and submit formal temporary orders within ten days." *Id.*, No. 07-15-00081-CV, at 4 (Tex. App. Jan. 25, 2017). Formal

temporary orders were properly entered on May 21, 2013, appointing the parties as temporary joint managing conservators. *Id.* at 4.

B. In the present case, by contrast, no formal motion for temporary orders was ever served. On February 1, 2024, an associate judge's report was drafted by Dan Bacalis<sup>1</sup>, prior counsel for Relator, after the parties appeared in person, but this report was not based on any formally served motion for temporary orders. It was further specified that:

**A typed written Order conforming to this Report will follow within 20 days from the date this Report is signed. The Temporary Order shall be prepared by Dan Bacalis. Each attorney should approve the Order. The parties do not need to approve the Order. The attorney reviewing the proposed Order shall have five (5) days to do so. There are no ten (10) day letters. If an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report.**

AGREED AS TO FORM AND SUBSTANCE

SO ORDERED *Exhibit A*

The critical difference here is the procedural requirements set forth in the associate judge's report were not respected and there was no supporting motion for temporary orders ever served to the Relator in this case.

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<sup>1</sup> A true, accurate, and certified copy of this associate judge's report is attached as Exhibit A.

C. In *Sullivan*, Larry Sullivan expressed dissatisfaction with the temporary orders, discharged his original counsel, and retained new counsel, who promptly filed a Motion to Set Aside the Temporary Orders. Larry's complaint was that his original counsel had rushed him into signing the associate judge's report without giving him adequate time to review it.

D. In the present case, the Relator filed a timely motion to vacate the associate judge's report on February 9, 2024, after terminating his legal counsel for rushing him into an agreement much like Larry Sullivan.<sup>2</sup> However, this motion was filed *prior* to the associate judge's report being formalized. A hearing on the motion to vacate was scheduled for March 14, 2024.

E. On March 4<sup>th</sup>, 2024, the Relator filed notice with the trial court explaining that it would not be in the best interests of the children to leave the home given the necessity to financially support the children.<sup>3</sup> On March 6<sup>th</sup>, 2024, while walking his daughters to school during her visitation period, the real party in interest ran inside the house and locked the Relator out.

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<sup>2</sup> A true, accurate, and certified copy of the Relator's motion to vacate is attached as Exhibit B.

<sup>3</sup> A true, accurate, and certified copy of this notice is attached as Exhibit .

F. At their respective hearings, both Larry and the Relator's motions to vacate were denied. However, unlike in *Sullivan*, where Larry was given time to address his concerns despite being an attorney and despite challenging the orders after they had been properly reduced. *Id.*, at 5. In contrast, the Relator was ambushed by the opposing counsel just minutes before his hearing was to be held. She handed him a 38-page document entitled "Temporary Orders",<sup>4</sup> which were the formalized orders based on the associate judge's report signed on February 1<sup>st</sup>, 2024. Furthermore, in the denial of the Relator's motion to vacate, the associate judge ordered that he sign the formally reduced temporary orders by 1:30 P.M. that same day rather than providing an explanation for the denial.<sup>5</sup>

G. The actions above are reflected in the orders themselves. Without hesitation, at the top of page one, the orders read:

"On February 8 1, 2024, the Court heard Petitioner's motion  
for temporary orders." *Exhibit E*

The absence of such a motion raises the question: How can a hearing be referenced in an official court order that was never held and lacks a served motion? Further on page one the order states:

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<sup>4</sup> A true, accurate, and certified copy of these orders currently in effect are attached as Exhibit D.

<sup>5</sup> A true, accurate, and certified copy of this denial is attached as Exhibit E.

“The parties have agreed to the terms of this order as  
evidenced by the signatures below” *Exhibit D*

H. Relator did not sign these orders. *Exhibit D*. Moreover, the opposing counsel was well aware that he did not consent to them. Consent is a fundamental element in settlement agreements. In *Quintero v. Jim Walter Homes, Inc.*, this Court referenced its earlier decision in *Burnaman v. Heaton*, 150 Tex. 333, 240 S.W.2d 288 (1951), where it was held that a judgement "cannot be rendered by a court when consent of one of the parties thereto is wanting." *Id.* at 291. "The power to render an agreed judgment depends upon the ‘substance of the consent’ at the time judgment is rendered." *Id.* at 291. "Therefore, a party has the right to revoke his consent at any time before the rendition of judgment." *Quintero v. Jim Walter Homes Inc.*, 654 S.W.2d 442, 444 (Tex. 1983) (referencing *Samples Exterminators v. Samples*, 640 S.W.2d 873, 874 (Tex. 1982)). This right afforded to the Relator was disregarded in its entirety by the trial court.

I. The disparities between how the courts handled the temporary orders in *Sullivan* and in the present case are striking. In *Sullivan*, Larry was provided with the opportunity to propose alternatives, even though his motion to vacate was denied. In the present case, the Relator was ambushed with orders that violated procedural requirements and was compelled to sign

them without any opportunity for review despite his consent clearly being withdrawn. Considering consent was not present, the orders are void.

*Samples Exterminators v. Samples*, 640 S.W.2d at 875 (Tex. 1982) (per curiam.) (“Without consent, the judgment is void”); see also *Giles v. Giles*, 830 S.W.2d 232, 235 (Tex. App.—Fort Worth 1992, no writ). Therefore, the temporary orders issued by the Associate Judge Jeffrey Kaitcer must be vacated in light of the actions above.

## **II. Even if the orders survive due process and consent, they are void**

A. The temporary orders issued by Associate Judge Jeffrey Kaitcer imposed a purported agreed mutual injunction on both parties, restricting communication and actions regarding property, and affecting child custody. The orders granted temporary joint conservatorship of the children and regulated the use of shared property, including the family home, pending further court proceedings.

B. Pursuant to Rule 683 of the Texas Rules of Civil Procedure:

“[e]very order granting a temporary injunction shall include an order setting the cause for trial on the merits with respect to the ultimate relief sought”. Tex. R. Civ. P. 683.

Moreover, Rule 684 states that:

“[b]efore the issuance of the temporary restraining order or temporary injunction the applicant shall execute and file with the clerk a bond to the adverse party, with two or more good and sufficient sureties, to be approved by the clerk”. Tex. R. Civ. P. 684.

C. This Court has provided the controlling authority over the facial validity of temporary injunctions and provides a clear resolution to this case. In *Lancaster v. Lancaster*, the injunction was considered void for noncompliance with Rule 684 of the Texas Rules of Civil Procedure. *Id.*, 155 Tex. 528, 291 S.W.2d 303, 308 (Tex. 1956). This was later reaffirmed in *Goodwin v. Goodwin*, where an injunction without bond was considered “void Ab initio” *Id.*, 456 S.W.2d 885, (Tex. 1970).

D. In the present situation, the waiver of bond in this case is ambiguous, as it fails to state the reasons for the waiver, the authority under which it was waived, or what justifies its waiver. It simply states, "the bond requirement is waived." Moreover, the associate judge's report from which this is based mentions no bond. Further, this fails to comport with the statutory language set out in Texas Family Code § 105.001(d), which allows the court to dispense with the necessity of a bond in temporary orders on behalf of the child. The only statement regarding the children's welfare in the orders is that “The following orders are for the safety and welfare and in the best interest of the following children:” which as noted above, is predicated from a hearing that never happened, a motion which was never filed nor served, and without supporting evidence supporting the claim and from where consent was withdrawn.

E. Moreover, the Dallas Court of Appeals invalidated a temporary injunction for failing to either set a bond or expressly dispense with the bond requirement. The court noted, "[b]ecause the temporary injunction in this case neither sets a bond nor states that it is dispensing with the necessity of one, we conclude the temporary injunction is void." *In re McCray*, 05-13-01195-CV, 2013 WL 5925776, at \*3 (Tex. App.—Dallas Nov. 7, 2013, orig. proceeding) (mem. op.). Despite the orders in this case waiving a bond, it was waived by purported agreement and did not contain the language required to dispense the necessity of the bond, subjecting them to being declared void and dissolved.

F. Therefore, by following this reasoning, the temporary orders in the present case should similarly be declared void notwithstanding the first issue of due process as the bond requirements were not met, and the waiver of bond didn't contain the statutory language needed to properly dispense of it under Section 105.001(d) of the Texas Family Code, and it was waived by the parties in an agreement from which consent was withdrawn from. As stated in *In re Garza*, 126 S.W.3d 268, 271 (Tex. App. 2003) "...a party who agrees to a void order has agreed to nothing." *Id.* This is precisely what happened here.

### **III. Preservation of error**

A. All but two appellate courts in this State have agreed that error preservation is not required regarding noncompliance with these rules. The Second Court of Appeals is not one of those two. *See BSR SurfResort, LLC v. Stabile*, No. 10-20-00006-CV, 4 (Tex. App. Nov. 18, 2020). It was reaffirmed that standing precedent is that “the majority of the Texas courts of appeals, and the Texas supreme court establish that the requirements of Rules 683 and 684 are mandatory and that a party need not preserve error in the trial court when a temporary injunction order does not comply with them.”

*Id.*

B. The Second Court of Appeals falls within the majority. “Only the Amarillo and Austin courts of appeals have required preservation of error when a temporary injunction order fails to comply with Rules 683 and/or 684.” *Id* (referencing *Tex. Tech. Univ. Health Sci. Ctr. v. Rao*, 105 S.W.3d 763, 768 (Tex. App.—Amarillo 2003, pet. dism'd)).

C. Therefore, since the current orders are based on a motion never served to the Relator, where no hearing was held, and fail to comply with the mandatory requirements set forth by both Rule 683 and 684 of the Texas Rules of Civil Procedure regarding bond due to ambiguous language, they are void and must be dissolved.

#### **IV. Diligence met with silence**

A. Without knowing the reasonings behind the denials of relief faced thus far, and if such reasonings were for procedural reasons will remain unknown. However, the Relator's diligent pursuit for relief has remained rigorous, and as this Court has previously stated in January of this year:

"[e]quity aids the diligent and not those who slumber on their rights." *In re Walker*, 683 S.W.3d 400, 402 (Tex. 2024) (quoting *Callahan v. Giles*, 137 Tex. 571, 155 S.W.2d 793, 795 (1941)

The status quo of children has been destroyed by these orders without a second thought. This cannot be the way we conduct our institutions of law in this great State and Relator hopes this Court will step in and rightfully restore the status quo to the children by ordering the Respondent to vacate the current order issued by Associate Judge Jeffrey Kaitcer.

B. The time wasted thus far in addressing these procedural missteps and the resulting complications has been significant and regrettable. However, the Relator remains fully committed to pursuing a constructive and cooperative resolution for the benefit of all parties involved, especially the children. The Relator's need for residency to provide financial support for the children cannot be carelessly replaced by a parent who chooses to put herself before all else involved in the suit, including the children.

## **CONCLUSION**

This case is about responsibility. Everyone makes mistakes; it is the human condition. However, when those mistakes impact the lives of children, the law and conscience compel us to correct them. The best interests of the children must always come first. Both parents in this case are exemplary, and a better path can be forged for them.

This case reveals a fundamental truth: when justice wavers, the law provides a way to make things right. With the wisdom of this Court, these wrongs can be corrected to secure the well-being of the children at the heart of this dispute. The temporary orders must be vacated, not simply to honor the law but to restore fairness to these children's lives and preserve their status quo and the principles of justice that form the foundation of our system.

The journey has been long, but there's only one just conclusion before the court today: put these orders to rest and enable this Relator who is nothing more than a Father to return to the home and business he was unjustly discarded from so that an amicable path forward can be forged in the best interests of the children. In the pursuit of justice, the Relator holds no ill will towards the Respondent, the associate judge, opposing counsel, the real party in interest, or third parties. Moving forward, we must all work together to ensure the best interests come first as the Texas Family Code mandates.

## **PRAYER FOR EXPEDITED RELIEF**

In light of the above, Relator respectfully prays that this Honorable Court:

1. Grant Relator's First Amended Motion for Rehearing;
2. Reverse the opinion of the Second Court of Appeals and the denial of Relator's emergency motion for relief;
3. Order the Respondent, Honorable District Judge James B. Munford, to vacate the temporary orders issued by Honorable Associate Judge Jeffrey Kaitcer;
4. Remand the case to the trial court for further proceedings consistent with the law, ensuring the protection of the best interests of the children and the restoration of the status quo;
5. Grant any further relief to which Relator may be justly entitled.

Respectfully submitted by,

/s/ Charles Dustin Myers  
Charles Dustin Myers  
Chuckdustin12@gmail.com  
6641 Anne Court  
Watauga, TX 76148  
Tel: 1-817-507-6562  
Pro-se

## CERTIFICATE OF COMPLIANCE

Relator hereby certifies that Microsoft Word reports that this brief contains **2728** words, excluding the portions of the brief exempted by TRAP Rule 9.4(i)(1). It is in Times New Roman 13-point font, converted to Adobe Acrobat portable document format (PDF), and is word-searchable, indexed, and tabbed for the court's convenience with clickable links to help with navigation.

/s/ Charles Dustin Myers  
Charles Dustin Myers

## CERTIFICATE OF SERVICE

Relator certifies that a true copy of this First Amended Motion for Rehearing and all exhibits was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on **09/16/2024**:

**Cooper L. Carter (Counsel for real party in interest)**  
by EMAIL/ESERVE at COOPERCARTER@MAJADMIN@COM

**Morgan Michelle Myers (real party in interest)**  
by EMAIL/ESERVE at MORGANMW02@GMAIL.COM

**Hon James B. Munford (Respondent)**  
by ELECTRONIC SERVICE

Presiding District Judge, 322<sup>nd</sup> District Court of Tarrant County  
200 E Weatherford St, Fort Worth, TX 76102

**Hon Jeffrey Kaitcer (Associate Judge)**  
by ELECTRONIC SERVICE

Presiding Associate Judge, 322<sup>nd</sup> District Court of Tarrant County  
200 E Weatherford St, Fort Worth, TX 76102

*/s/ Charles Dustin Myers*  
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Watauga, TX 76148  
Tel: 1-817-507-6562  
Pro-se

TAB 1  
Exhibit A  
Associate Judge's Report 02/01/24

*AGREED*

**ASSOCIATE JUDGE'S REPORT FOR TEMPORARY ORDERS**  
**(Suit Affecting the Parent-Child Relationship, Property and Debts)**

**DIVORCE WITH CHILDREN**

CAUSE NUMBER: 322-744263-23

|                      |   |                                     |
|----------------------|---|-------------------------------------|
| <u>Morgan Myers</u>  | § | IN THE DISTRICT COURT               |
| <u>AND</u>           | § | TARRANT COUNTY, TEXAS               |
| <u>Charles Myers</u> | § | 322 <sup>ND</sup> JUDICIAL DISTRICT |

RESET DATE: \_\_\_\_\_

**1. Appearances:**

Petitioner/Movant appeared in person and by attorney Cooper Carter  
 Respondent appeared in person and by attorney Dan Bachis  
 \_\_\_\_\_

**2. Temporary Conservatorship:**

A.  Joint Managing Conservators: Primary Possession to  Mother  Father  Other: \_\_\_\_\_

Mother and Father have the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074

Other has the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074

Mother  Father  Other have the rights, duties and privileges as set forth in TEX. FAM. CODE ANN. § 153.132 except as follows:

The  Mother  Father  Other shall have the exclusive right to establish the residence of the child(ren) and residence of the child(ren) will be Tarrant County or counties contiguous to Tarrant County, TX and/or \_\_\_\_\_

The  Mother  Father  Other are enjoined from removing the child(ren) from Tarrant County or counties contiguous to Tarrant County, TX for the purpose of establishing the residence of the child(ren) and/or \_\_\_\_\_

The right to make educational decisions shall be by the  Mother  Father  Other.

The right to make invasive surgical decisions shall be by mutual consent of the parties and failing to agree by the  Mother  Father  Other. The term "invasive" means elective surgical decisions.

The right to receive child support shall be by the  Mother  Father  Other \_\_\_\_\_

B.  Sole Managing Conservator:  Mother  Father  Other: \_\_\_\_\_

Possessory Conservator:  Mother  Father  Other: \_\_\_\_\_

Mother  Father  Other have the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074

Mother  Father and/or  Other have the rights, duties and privileges as set forth in TEX. FAM. CODE ANN. § 153.132.

Residency Restriction to  Tarrant County  Tarrant & contiguous counties.

3. **Temporary Possession Schedule:**

Texas Standard Family Code TEX. FAM. CODE ANN. §§ 153.311 THROUGH 153.316. All possession times begin and end at 6:00 p.m. except for Thursdays which ends at 8:00 p.m.

Texas "Extended" Standard Family Code TEX. FAM. CODE ANN. §§ 153.311 THROUGH 153.316. All possession times begin and end at the time school recesses or begins. Thursdays overnight, during the regular school year.

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mother  Father  Other shall surrender the child to the other person at the residence of  Mother  Father  Other at the beginning of each period of possession.

Mother  Father  Other shall surrender the child to the other person at the residence of  Mother  Father  Other at the end of each period of possession.

4. **Temporary Child Support:**

Mother  Father shall pay through the Texas State Disbursement Unit, P.O. Box 659791, San Antonio, TX 78265-9791 of \$ 973.19 per month beginning 4-1-2024



Medical Insurance on Child Provided by:

( )Mother ( )Father

Insurance Cost Paid by:

( )Mother ( )Father

Uncovered Medical, Dental & Vision Costs:

Equally ( )

Mother to apply for  
MEDICARE

5. Additional Orders: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

App. for Protective ORDER is non-suited

\_\_\_\_\_

\_\_\_\_\_

6. Temporary Spousal Support: *N.A.*

( )Wife ( )Husband shall pay direct to Spouse \$ \_\_\_\_\_ per \_\_\_\_\_ beginning

\_\_\_\_\_

7. Temporary Possession of Property:

Husband: *2021 MAZDA 3, his personal prop.  
& clothing 2023 MAZDA CX-8 (LEASED)*

*REPOSSESS to wife home at 6641 Anne Court  
WATAUGA by MARCH 1, 2024*

Wife: *2007 MAZDA, her personal property  
& clothing, 6641 Anne Court, WATAUGA,*

\_\_\_\_\_

\_\_\_\_\_

**8. Temporary Payment of Debts and Bills:**

Husband: His living expenses: CAR PAYMENT, his auto ins  
his telephone payment.

LEASE PAYMENT FOR HOMESTEAD FOR FEBRUARY  
& MARCH 2024

Wife: Her living expenses: her auto INSURANCE, her  
telephone payment. LEASE PAYMENT ON HOMESTEAD  
AFTER March 30, 2024

**9. Temporary Injunctions:**

Mutual Temporary Injunctions as to Persons pursuant to the Texas Family Practice Manual.

Mutual Temporary Injunctions as to Property pursuant to the Texas Family Practice Manual.

*the parties to communicate through App (Phone)*

**10. MISCELLANEOUS:**

The parties are to attend "Children in the Middle" part 1 and/or 2 by 5/1/24 and to file a certificate with the Court. Each to pay for their own costs.

Neither party shall consume, use or have in their possession any illegal drug or drugs at any time nor shall they have, at any time, a legal drug or drugs in their possession for which that party does not have a prescription.

Neither party shall consume alcohol at least 12 hours prior to their time for possession of the child(ren).

Neither party shall consume alcohol during their period of possession with the child(ren).

Neither party shall attend one of the child(ren)'s activities if they have consumed alcohol or they are under the influence of alcohol.

Neither party shall leave the child(ren) with a person who is consuming alcohol at least 12 hours prior to taking possession of the child(ren) or has in their possession an illegal drug(s), including prescription drugs, as a childcare provider. No disparaging remarks in the presence of the child(ren) and no discussion of litigation or issues of the case with the child(ren).

The parties are not to discuss the litigation or issues with the child(ren) about the other party. The aforementioned sentence means that neither party shall belittle, talk bad, refer to the other party using a profane name or names, profanity or curse words.

The parties are not to discuss the litigation or issues with the child(ren). This paragraph presumes the child(ren) is old enough to communicate with a party. The aforementioned sentence means that neither party shall discuss what occurred in Court including the testimony of any witness or witnesses with the child(ren).

A party is allowed to reasonably offer an age-appropriate statement to discuss the effect of an Order with the child(ren) with a brief statement or sentence. For example, a party is not allowed to show a document to the child(ren) and attempt to comprehensively discuss the case in detail with the child(ren).

A typed written Order conforming to this Report will follow within 20 days from the date this Report is signed. The Temporary Order shall be prepared by Dan Baez.

Each attorney should approve the Order. The parties do not need to approve the Order. The attorney reviewing the proposed Order shall have five (5) days to do so. There are no ten (10) day letters. If an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report.

AGREED AS TO FORM AND SUBSTANCE

Coyer  
\_\_\_\_\_  
Attoey for Petitioner

Dan O Baez  
\_\_\_\_\_  
Attorney for Respondent

Milay  
\_\_\_\_\_  
Petitioner

Ch. Jr.  
\_\_\_\_\_  
Respondent

SO, ORDERED:

J  
\_\_\_\_\_  
322<sup>ND</sup> Associate Judge

Date: FEBRUARY 1, 2024



## Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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Filing Description: AGD AJ REP

Status as of 2/8/2024 3:12 PM CST

Associated Case Party: MORGANMICHELLEMYERS

| Name            | BarNumber | Email                     | TimestampSubmitted  | Status |
|-----------------|-----------|---------------------------|---------------------|--------|
| Cooper L.Carter |           | coopercarter@majadmin.com | 2/8/2024 2:29:20 PM | SENT   |

Associated Case Party: CHARLESDUSTINMYERS

| Name             | BarNumber | Email                   | TimestampSubmitted  | Status |
|------------------|-----------|-------------------------|---------------------|--------|
| Daniel Bacalis   |           | service@dbacalis.com    | 2/8/2024 2:29:20 PM | SENT   |
| Tammy L.Johnson  |           | tjohnson@dbacalis.com   | 2/8/2024 2:29:20 PM | SENT   |
| Daniel R.Bacalis |           | dbacalis@dbacalis.com   | 2/8/2024 2:29:20 PM | SENT   |
| CHARLES MYERS    |           | chuckdustin12@gmail.com | 2/8/2024 2:29:20 PM | SENT   |



A CERTIFIED COPY  
ATTEST: 04/15/2024  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Catherine Saenz

TAB 2  
Exhibit B

Relator's Emergency Motion to  
Vacate 02/09/24

**\*\*THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY\*\*****NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**FILED  
TARRANT COUNTY  
2/9/2024 3:17 PM  
THOMAS A. WILDER  
DISTRICT CLERKCause No. Cause No. 322-744263-23

MORGAN MICHELLE MYERS § In the (check one):  
V §  322nd District Court  
\_\_\_\_ §  County Court at Law No. \_\_\_\_  
CHARLES DUSTIN MYERS § TARRANT County, Texas

**Motion for Reconsideration and to Vacate Temporary Orders***Print your answers*

My name is:

CHARLES DUSTIN MYERS  
*First* *Middle* *Last*

I am the  Petitioner  Respondent in this case and request the Court grant this motion for Reconsideration and to Vacate Temporary Orders *(title of motion)*. In support, the following is shown:

SEE ATTACHED MOTION  
  

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ATTEST: 04/15/2024  
THOMAS A. WILDER  
3 DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Catherine Saenz

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Respectfully submitted,

► /s/ Charles Dustin Myers  
*Your Signature*

► 2024-02-09  
*Date*

► Charles Dustin Myers  
*Your Printed Name*

► 817-507-6562  
*Phone*

6641 ANNE COURT  
*Mailing Address*

WATAUGA  
*City*

TX  
*State*

76148  
*Zip*

CHUCKDUSTIN12@GMAIL.COM  
*Email Address*

► Fax # (if any)

### Notice of Hearing

The above motion is set for hearing on \_\_\_\_\_ at \_\_\_\_\_.M. in

\_\_\_\_\_ *(designation and location of court).*

SIGNED on \_\_\_\_\_.

Judge or Clerk



A CERTIFIED COPY  
ATTEST: 04/15/2024  
THOMAS A. WILDER  
3 DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Catherine Saenz

### **Certificate of Service**

I certify that I delivered a copy of this document to each party in this case, or if a party is represented by a lawyer to the party's lawyer, by: (Check one or more)

Hand delivery to the other party \_\_\_\_\_

Hand delivery to the other party's lawyer \_\_\_\_\_

Email to this email address COOPERCARTER@MAJADMIN.COM

Regular mail to this address: \_\_\_\_\_

Certified mail to this address: \_\_\_\_\_

Commercial delivery service (for example FedEx) to this address: \_\_\_\_\_

Fax to fax #: \_\_\_\_\_

 /s/ Charles Dustin Myers  
Signature

2024-02-09

Date



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ATTEST: 04/15/2024  
THOMAS A. WILDER  
3 DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Catherine Saenz

**\*\*THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY\*\***

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

Cause No. \_\_\_\_\_

- § In the (*check one*):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
§  \_\_\_\_\_ District Court  
§  County Court at Law No. \_\_\_\_\_  
§ \_\_\_\_\_ County, Texas

**Order on Motion for** \_\_\_\_\_

On \_\_\_\_\_ the Court heard the Motion for  
(date)

\_\_\_\_\_ of \_\_\_\_\_  
(title of motion) (name of person who filed the motion)

IT IS ORDERED that the motion is GRANTED

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SIGNED on \_\_\_\_\_.

JUDGE PRESIDING



A CERTIFIED COPY  
ATTEST: 04/15/2024  
THOMAS A. WILDER  
1 DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Catherine Saenz

IN THE 322<sup>nd</sup> DISTRICT COURT OF TARRANT COUNTY  
STATE OF TEXAS

**Morgan Michelle Myers,**

Petitioner,

v.

**Charles Dustin Myers,**

Respondent

Cause No. 322-744263-23

**Emergency Motion to Reconsider  
Evidence and to Vacate Temporary  
Orders**

This motion urgently calls for the Court's intervention to address critical procedural missteps in the matter of cause# 322-744263-23, aiming to reinstate the safety and stability that our children rightfully deserve until due process and all facts of the case can be considered by the Court. I am seeking immediate court intervention to correct procedural errors and address the misuse of the legal system by the Petitioner. This motion highlights the significant impact of the Petitioner's actions on our children's welfare and my unjust removal from our home based on frivolous claims.

In pursuit of justice and the well-being of the children at heart, I respectfully request that the Court reconsider all details, weighing the comprehensive scenario presented herein along with the supporting evidence. I am committed to the highest interests of my children and family, striving to resolve these matters efficiently and avoid unnecessary judicial expenditure. This document seeks to unveil the Petitioner's deliberate misrepresentation and misuse of the legal system, which has gravely disrupted our children's stability and emotional well-being by weaponizing the court system.

---

<sup>1</sup> On December 1st, 2023, the Petitioner announced her desire for a divorce with no plan in place to preserve our familial stability, with no desire for counseling or communication, and with no consideration of the timing around the holiday season, nor any sign of marital discord warranting such a decision leading up to this announcement.

<sup>2</sup> Between December 14th, 2023, and December 22nd, 2023, the Petitioner filed for an Emergency Protective Order, a Divorce Petition, a Protective Order, and instigated an Eviction suit.



A CERTIFIED COPY  
ATTEST: 04/15/2024  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Catherine Saenz

## **NATURE OF SUITS AND THIRD-PARTY INFLUENCE**

1. **On December 1<sup>st</sup>, 2023**, Petitioner announced the divorce with no plan in place for the children, no sign of marital discord leading up to this point to warrant such a decision, and no desire for counseling, communication, and no consideration for the time of year.
2. **Between December 1<sup>st</sup>, 2023, and December 12<sup>th</sup>, 2023**, all efforts are exhausted in an attempt to communicate with the Petitioner which lead to the subsequent discovery of an alarming volume of text messages that were directed towards two individuals – Debbie Price and Damen Kazlauskas, showing a significant level of influence.<sup>3</sup>
3. **On December 12<sup>th</sup>, 2023**, After the discovery of the communications between these two individuals combined with the irrational behavior from the Petitioner during such a critical time of year, I reached out to the Petitioner's grandfather via text message.<sup>4</sup>
4. **On December 13<sup>th</sup>, 2023**, Petitioner states she will be going to talk to her Grandparents alone. This conversation lasts between 9:55 and 1:30 A.M.
5. **On December 14<sup>th</sup>, 2023**, Petitioner filed for an Emergency Protective Order. This order was denied by the court.
6. **On December 15<sup>th</sup>, 2023**, Petitioner involves her family into the situation. Particularly, Dan Branthoover became involved. He is the boyfriend of the Petitioner's Mother. Shortly thereafter, I received a notice from our joint bank account stating that \$1,576 had just been withdrawn. As our bank statement for December 2023 will demonstrate – the transaction record shows the funds being transferred directly to Mr. Branthoover's PayPal account.<sup>5</sup>

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<sup>3</sup> See attached EXHIBIT A.1 – A true and accurate copy of the AT&T text logs filtered by relevant parties. Parties include Meme, Papaw, Damen, Debbie, and Dan. Dates and times surrounding the case will corroborate with other evidence presented herein. See page 456 – 458.

<sup>4</sup> See attached EXHIBIT A.2 – A true and accurate copy of the referenced text message in paragraph 3.

<sup>5</sup> See attached EXHIBIT A.3 – The true and accurate bank statement reflecting the transaction referenced in paragraph 6.

7. **On December 16<sup>th</sup>, 2023**, Petitioner's transaction under the advice of Mr. Branthroover lead to our joint bank account becoming \$-800 overdrawn. I requested from Mr. Branthroover via text message that he needs to return the funds immediately, where he subsequently admits to this transaction having occurred.<sup>6</sup>
8. **On December 17<sup>th</sup>, 2023**, Petitioner's grandmother, Margie Wilson, initiates an Eviction Suit by serving me an eviction notice around 11:00 AM CST.
9. **On December 18<sup>th</sup>, 2023** – Petitioner writes “VOID” on the Eviction Notice, and physically tears it in half.<sup>7</sup>
10. **On December 19<sup>th</sup>, 2023**, Mr. Branthroover uses intimidation tactics by impersonating an attorney despite having no license to practice law in the State of Texas.<sup>8</sup>
11. **On December 27<sup>th</sup>, 2023**, I am served the Divorce Papers by the Constable.
12. **On December 28<sup>th</sup>, 2023**, I am served the Protective Order, followed by the Eviction shortly thereafter by the Constable.

The Protective Order (Show Cause) hearing was set for **January 16<sup>th</sup>, 2024**, and the Eviction hearing for **January 17<sup>th</sup>, 2024**.

The documented timeline of events, particularly during the holiday season, underscores a notable disregard for our children's welfare. This has enabled the Petitioner to inappropriately utilize the judicial system to disrupt the stable environment our children have known, influenced significantly by third-party actions as previously detailed. The forthcoming section of this motion will highlight the specific frivolous claims and false statements found within each filing initiated by the Petitioner.

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<sup>6</sup> See attached EXHIBIT A.4 – Overdrawn account notice from PNC bank on December 16<sup>th</sup>, 2023.

<sup>7</sup> See attached EXHIBIT A.5 – The physically torn and voided Eviction notice served on December 17<sup>th</sup>, 2023.

<sup>8</sup> See attached EXHIBIT A.6 – Mr. Branthroover refers to Petitioner as “his client” while having no license in law.



## **FRIVOLOUS CLAIMS AND FALSE STATEMENTS**

### **A. EMERGENCY PROTECTIVE ORDER**

1. As mentioned above, Petitioner filed for an Emergency Protective Order on December 14<sup>th</sup>, 2023. This protective order was denied by the courts.
2. Due to the fact this order was not granted by the court, one could conclude that there was not a clear and present danger of family violence.<sup>1</sup>

### **B. THE DIVORCE PETITION**

1. Petition was filed on 2024-12-18 under an Affidavit of Inability to pay.<sup>2</sup>
2. The Petitioner's action of filing for divorce under an Affidavit of Inability to pay three days after transferring \$1,576 to herself starkly contravenes the mandates set forth in *Chapter 10, Section 10.001 of the Civil Practice and Remedies Code*. This section asserts that each claim or legal contention must be warranted by existing law or a nonfrivolous argument for the modification of existing law or the establishment of new law, and that each factual contention has or is likely to have evidentiary support after further investigation or discovery<sup>3</sup>.
3. The Petitioner violated *Chapter 10, Section 10.001* a second time within the same document when she intentionally elected to waive the 60-day waiting period claiming to have an active protective order against me that found family violence had occurred during our marriage<sup>4</sup> despite being denied such an order just five days prior on December 14<sup>th</sup>, 2023.
5. The final page of the Divorce Petition for service to the Office of the Attorney General was left unsigned by the Petitioner.

---

<sup>1</sup> TEXAS FAMILY CODE, TITLE 4, SUBTITLE B, CHAPTER 83, Sec. 83.001

<sup>2</sup> See attached EXHIBIT B.1 – A True and Accurate copy of the Divorce Petition for all references made in regard to this document.

<sup>3</sup> CIVIL PRACTICE AND REMEDIES CODE, TITLE 2, SUBTITLE A, CHAPTER 10, Sec. 10.001.

<sup>4</sup> TEXAS FAMILY CODE, Sec. 6.405 – The petitioner shall attach to the petition a copy of each order described by Subsection (a)(1). No such order, as required, was attached to the divorce petition, because no such order exists.

### C. EVICTION SUIT

1. The suit was unlawful by nature<sup>5</sup>, as the grounds for eviction were based on family status, referencing the divorce as well as a protective order that had been denied on December 14<sup>th</sup>, 2023. The suit was dismissed for lack of jurisdiction on January 17<sup>th</sup>, 2024.<sup>6</sup>

### D. PROTECTIVE ORDER

1. This suit was the second attempt by the Petitioner to have me removed from the home, which ultimately succeeded.

2. The claims within this suit mentioned sexually aggressive comments and threatening behavior. These allegations are materially false, as the Petitioner possesses no evidence, and has presented no evidence in relation to these claims since the initiation of the suit. Despite this, as video and image evidence will show once a fair trial date is set, the Petitioner and I continued to maintain stability at our family home and preserved the sense of normalcy that our daughters have been accustomed to their entire lives up until January 16<sup>th</sup>, 2024.

The Court's decision to remove me from my home and my children's lives on January 16<sup>th</sup>, 2024, albeit preliminary and unjustified, bypassed the safeguarding of the children's emotional, psychological, and physical well-being. This oversight is compounded by the Petitioner's actions. The juxtaposition of the Court's decision against the backdrop of the Petitioner's inattention to the children's needs illuminates a disconcerting disregard for the paramount principle that custody determinations should primarily serve the children's best interests. The final section of this motion will highlight the procedural aspects of the events unfolding between the dates of January 16<sup>th</sup>, 2024, and February 1<sup>st</sup>, 2024, and pray the court will rectify this situation by restoring the stability to our family by vacating the current temporary orders that are in place until a proper investigation can be completed by the courts.

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<sup>5</sup> TEXAS RULES OF CIVIL PROCEDURE – RULE 6 – Suits initiated on a Sunday are invalid.

<sup>6</sup> See attached EXHIBIT B.2 – A true and accurate copy of the Eviction Dismissal.



## **THE PROTECTIVE ORDER HEARINGS**

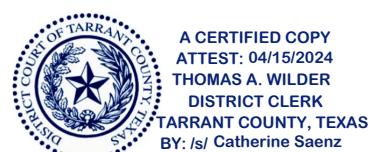
1. In preparation for the Protective Order hearing on January 16<sup>th</sup>, 2024, I filed with the Court an answer to the Protective Order on January 2<sup>nd</sup>, 2024 as well as two motions – a motion to consolidate the divorce with the protective order, filed on January 4<sup>th</sup>, 2024, as well as a motion of continuance, filed on January 8<sup>th</sup>, 2024 for the purpose to acquire counsel due to the complex nature of the case.<sup>1</sup> All three filings were accepted by the court.
2. On January 16th, 2024, both parties sought additional time to secure legal representation. Despite not reviewing any evidence, witness testimonies, or documents related to the motions, and acknowledging the denial of a previous Emergency Protective Order, the court mandated my departure from our home within four hours. This decision, unexpectedly made, awarded custody to the Petitioner, overlooking my concerns about the adverse effects on our children and my work from home. This ruling, which both parties did not sign, set the case to resume on January 22nd, 2024, to allow time for obtaining counsel.<sup>2</sup>
3. Following the court's directive, I relocated to my father's residence in Flower Mound until the subsequent hearing. During this interval, the Petitioner did not take the initiative to have the children call once and did not provide any information as to how they were doing, showcasing her lack of empathy and concern for our children's well-being and stability. After incurring substantial expenses to secure representation, I detailed my case and concerns to my attorney, preparing for the next court appearance.
4. On January 22<sup>nd</sup>, 2024, the Petitioner chose to seek legal representation just minutes before the hearing was due to start, indicating a disregard for the process. My lawyer recommended agreeing to a continuance, thereby extending the period I couldn't work and impacting our established family dynamics. This resulted in a third hearing being set for February 1st, coinciding with my birthday, and a second rendition being ordered.<sup>3</sup>

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<sup>1</sup> See attached EXHIBIT C.1 – A true and accurate copies of all referenced filings in paragraph 1.

<sup>2</sup> See attached EXHIBIT C.2 – A true and accurate copy of the unsigned rendition ordered on January 16<sup>th</sup>, 2024.

<sup>3</sup> See attached EXHIBIT C.3 – A true and accurate copy of the second rendition ordered on January 22<sup>nd</sup>, 2024.



5. On February 1st, 2024, during the third hearing, the substantive issues I had raised were not addressed, nor was there any exchange of evidence between our legal representatives. Despite the focus of the hearing supposed to be on the protective order, the discussions veered into custody and child support matters. My lawyer presented the sole option of a temporary return to the family home for 30 days with expanded visitation rights, coupled with a child support obligation starting in April. This outcome, which diverged significantly from the case's core issues, compelled me to reconsider my legal representation. Consequently, I decided to terminate my attorney's services and embarked on drafting this motion myself, aiming to bring the court's attention back to the pivotal elements of the case that had thus far been neglected while able to legally reside in my home.

## **CONCLUSION AND PRAYER**

In conclusion, this motion has laid bare the stark realities and procedural aberrations that have marred the essence of justice and due process in the matter of Cause No. 322-744263-23. Through the course of these proceedings, it has become abundantly clear that the actions taken by the Petitioner, Morgan Michelle Myers, have not only disregarded the welfare and best interests of our children but have also illuminated her unfitness as a parent. Her actions speak to a pattern of deceit, manipulation, and an unsettling willingness to leverage the judicial system for personal vendettas, all at the expense of the emotional and psychological well-being of our children.

The court, in its decisions, inadvertently facilitated this troubling trajectory by removing me, Charles Dustin Myers, from the lives of our children based on unsubstantiated claims and without due consideration of my role as a devoted and stable parent. This oversight has not only disrupted the lives of our children but has also significantly impaired my ability to provide for them, casting a long shadow over their future stability and welfare.

Moreover, the conduct of my Counsel involved has further compounded these issues, demonstrating a distressing disregard for the intricate dynamics and facts of this case. This has culminated in a situation where the paramount importance of the children's best interests and the fundamental principles of fairness and justice have been overshadowed by procedural missteps and a lack of thorough investigation into the Petitioner's fitness as a parent.



Therefore, it is with a heavy hearted yet unwavering resolve that I implore the Court to take immediate and decisive action to rectify these wrongs. Specifically, I respectfully request the Court to:

1. Vacate the existing temporary orders that unjustly removed me from my home and separated me from my children, restoring the status quo ante until a thorough and unbiased evaluation of the facts can be conducted, as the Texas Constitution requires. If left as it stands, these orders will further compound the issues at hand, and will exacerbate the chaos introduced into the children's lives.
2. Set a fair hearing date to delve into the substantive issues at hand, ensuring that all parties are given an equitable opportunity to present their case and that the best interests of our children are placed at the forefront of all considerations.
3. Scrutinize any response or new claims from the Petitioner or her counsel with the utmost diligence, given the established pattern of deceitful and manipulative behavior exhibited by the Petitioner throughout these proceedings.
4. Consider awarding me full custody of our children, ensuring their continued access to a stable, nurturing environment, and the consistent provision of their needs, which I am fully committed to upholding. Furthermore, in alignment with my enduring belief in the importance of both parents in the lives of our children, I pledge to facilitate and encourage a healthy, constructive relationship between the children and their mother, provided she demonstrates a genuine commitment to their well-being and stability.
5. In seeking these remedies, I do so not out of vindictiveness but from a place of deep concern for the welfare of our children and a steadfast belief in the principles of justice and fairness. Despite the pain and turmoil of these proceedings, my ultimate desire is for peace and the best possible outcome for all parties involved, most importantly, our children. It is my sincere hope that the Court will recognize the gravity of the situation and act in a manner that prioritizes the well-being of our children, ensuring their return to a life marked by stability and love.

I affirm under penalty of perjury that all claims herein are true and accurate to the best of my knowledge.

Respectfully submitted on this 9<sup>th</sup> day of February 2024,

/s/ Charles Dustin Myers

Charles Dustin Myers

Chuckdustin12@gmail.com



## Automated Certificate of eService

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Envelope ID: 84359156

Filing Code Description: Motion (No Fee)

Filing Description: EMERGENCY MOTION TO RECONSIDER EVIDENCE  
AND VACATE TEMPORARY ORDERS

Status as of 2/9/2024 4:27 PM CST

Associated Case Party: MORGANMICHELLEMYERS

| Name                 | BarNumber | Email                     | TimestampSubmitted  | Status |
|----------------------|-----------|---------------------------|---------------------|--------|
| MORGAN MICHELLEMYERS |           | morganmw02@gmail.com      | 2/9/2024 3:17:19 PM | SENT   |
| Cooper L.Carter      |           | coopercarter@majadmin.com | 2/9/2024 3:17:19 PM | SENT   |

Associated Case Party: CHARLESDUSTINMYERS

| Name             | BarNumber | Email                   | TimestampSubmitted  | Status |
|------------------|-----------|-------------------------|---------------------|--------|
| Daniel Bacalis   |           | service@dbacalis.com    | 2/9/2024 3:17:19 PM | SENT   |
| Tammy L.Johnson  |           | tjohnson@dbacalis.com   | 2/9/2024 3:17:19 PM | SENT   |
| Daniel R.Bacalis |           | dbacalis@dbacalis.com   | 2/9/2024 3:17:19 PM | SENT   |
| CHARLES MYERS    |           | chuckdustin12@gmail.com | 2/9/2024 3:17:19 PM | SENT   |



A CERTIFIED COPY  
ATTEST: 04/15/2024  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Catherine Saenz

TAB 3  
Exhibit C

Notice to court regarding the best  
interests of the children 03/04/24

IN THE 322<sup>nd</sup> DISTRICT COURT OF TARRANT COUNTY  
 STATE OF TEXAS

**Morgan Michelle Myers,**

Petitioner,

v.

**Charles Dustin Myers,**

Respondent

Cause No. 322-744263-23

**NOTICE AND UNSWORN DECLARATION**

March 3, 2024

Dear Clerk of the Court,

This letter is submitted on behalf of the Respondent in the above-referenced case to provide the court with an update on the Respondent's efforts to uphold the well-being of the children under the current agreed arrangements pending review and to navigate the complexities of this case. The following reasons why it is impossible for the Respondent to vacate the family home under the current agreement pending review are as follows:

1. Since the inception of the case, the Respondent's primary focus has been to reset the status quo ante for the benefit of the children, ensuring their lives remain as normal and uninterrupted as possible during this transitory period after it was significantly disrupted beginning on January 16<sup>th</sup>, 2024. Despite the challenges posed by the non-suited protective order and the dropped allegations of family violence which were the foundations of all decisions made within this case, the Respondent has respected the orders pending review, and has strived to provide a stable and supportive environment for his children during his designated time, all while planning a transition that best suits his children.
2. During the short amount of time the Respondent has been re-instated to his home, the Petitioner has, on multiple occasions, entered the residence unannounced and without prior consent, actions which stand in stark contrast to her prior requests for protection which have governed this case.



A CERTIFIED COPY  
 ATTEST: 04/15/2024  
 THOMAS A. WILDER  
 DISTRICT CLERK  
 TARRANT COUNTY, TEXAS  
 BY: /s/ Catherine Saenz

3. The Petitioner has changed employers since the signing of the agreement.
4. Petitioner has relinquished custody of the children to the Respondent on multiple days during her scheduled time, showcasing the Respondent's ability to care for his children at any time given his at-home work schedule specifically crafted to ensure participation in every aspect of his children's lives remains possible.
5. The Respondent must dedicate substantial time to researching and understanding legal procedures to ensure compliance with court rules and to advocate effectively for the best interests of his children. He is prepared to present all relevant facts and evidence at the upcoming hearing on March 14th, should his partial summary judgment not be accepted.
6. The Respondent has made efforts over the past 30 days to maintain normalcy for his children, showcasing his dedication to their well-being. The Respondent has maintained an amicable relationship with the Grandparents residing next-door, allowing frequent access during his time with the children to visit and attend church, maintaining normalcy and peace.
7. The choice to remain outside the home is a deliberate decision by the Petitioner during the transition period. Self-hosting and advertising is an essential requirement for my at-home operations, which is essential to maintain the quality of life our children are accustomed to. Multiple alternative housing options are available to the Petitioner, including the house next door.

The Respondent remains committed to following the court's directives and ensuring the best possible outcomes for his children. He appreciates the court's attention to these matters and is ready to provide further information or clarification as needed.

My name is Charles Dustin Myers my date of birth is 02-01-1991, and my address is 6641 Anne Court, Watauga TX, 76148, United States. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Tarrant County, TX on this 3<sup>rd</sup> day of March 2024.

/s/ Charles Dustin Myers  
Charles Dustin Myers, Declarant



A CERTIFIED COPY  
ATTEST: 04/15/2024  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Catherine Saenz

## Certificate of Service

I certify that a true copy of the Notice and Unsworn Declaration was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on 2024-03-03 to:

Morgan Michelle Myers, Petitioner

By electronic filing manager/email at MORGANMW02@GMAIL.COM

Cooper Carter, Attorney

By electronic filing manager/email at COOPERCARTER@MAJADMIN.COM

/s/ Charles Dustin Myers

Charles Dustin Myers

Respondent

6641 Anne Court

Watauga, Tx 76148

817-507-6562



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DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
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## Automated Certificate of eService

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Status as of 3/4/2024 9:02 AM CST

Associated Case Party: MORGANMICHELLEMYERS

| Name                 | BarNumber | Email                     | TimestampSubmitted   | Status |
|----------------------|-----------|---------------------------|----------------------|--------|
| MORGAN MICHELLEMYERS |           | morganmw02@gmail.com      | 3/3/2024 11:56:06 PM | SENT   |
| Cooper L.Carter      |           | coopercarter@majadmin.com | 3/3/2024 11:56:06 PM | SENT   |

Associated Case Party: CHARLESDUSTINMYERS

| Name          | BarNumber | Email                   | TimestampSubmitted   | Status |
|---------------|-----------|-------------------------|----------------------|--------|
| CHARLES MYERS |           | chuckdustin12@gmail.com | 3/3/2024 11:56:06 PM | SENT   |



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TAB 4  
Exhibit D  
Current Temporary Orders in  
Effect - 03/14/24

**CAUSE NO. 322-744263-23****IN THE MATTER OF  
THE MARRIAGE OF****MORGAN MYERS  
AND  
CHARLES MYERS****AND IN THE INTEREST OF****M [REDACTED] MYERS AND C [REDACTED]  
MYERS, CHILDREN****IN THE DISTRICT COURT****322ND JUDICIAL DISTRICT****TARRANT COUNTY, TEXAS****TEMPORARY ORDERS***IJC*

On February ~~8~~, 2024, the Court heard Petitioner's motion for temporary orders.

*Appearances*

Petitioner, MORGAN MYERS, appeared in person and through attorney of record, Cooper L. Carter, and announced ready and signed an Associate Judge's Report regarding Agreed Temporary Orders.

Respondent, CHARLES MYERS, appeared in person and through attorney of record, Daniel Bacalis, and announced ready and signed an Associate Judge's Report regarding Agreed Temporary Orders.

The parties have agreed to the terms of this order as evidenced by the signatures below.

*Jurisdiction*

The Court, after examining the record and the agreement of the parties and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been legally satisfied and that the Court has jurisdiction of this case and of all the parties.

*Children*

The following orders are for the safety and welfare and in the best interest of the



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following children:

Name: MARA MYERS

Sex: Female

Birth date: 7 years

Home state: Texas

Name: CAROLINE MYERS

Sex: Female

Birth date: 5 years

Home state: Texas

*Conservatorship*

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are appointed Temporary Joint Managing Conservators of the following children: M [REDACTED] MYERS and C [REDACTED] MYERS

IT IS ORDERED that, at all times, MORGAN MYERS, as a parent temporary joint managing conservator, shall have the following rights:

1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children;
2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;
3. the right of access to medical, dental, psychological, and educational records of the children;
4. the right to consult with a physician, dentist, or psychologist of the children;
5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;
6. the right to attend school activities, including school lunches, performances, and field trips;
7. the right to be designated on the children's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an



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emergency involving an immediate danger to the health and safety of the children; and

9. the right to manage the estates of the children to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent.

IT IS ORDERED that, at all times, CHARLES MYERS, as a parent temporary joint managing conservator, shall have the following rights:

1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children;

2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;

3. the right of access to medical, dental, psychological, and educational records of the children;

4. the right to consult with a physician, dentist, or psychologist of the children;

5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;

6. the right to attend school activities, including school lunches, performances, and field trips;

7. the right to be designated on the children's records as a person to be notified in case of an emergency;

8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and

9. the right to manage the estates of the children to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent.

IT IS ORDERED that, at all times, MORGAN MYERS and CHARLES MYERS, as parent temporary joint managing conservators, shall each have the following duties:

1. the duty to inform the other conservator of the children in a timely manner of significant information concerning the health, education, and welfare of the children;

2. the duty to inform the other conservator of the children if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is



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registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the fortieth day after the date the conservator of the children begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

3. the duty to inform the other conservator of the children if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

4. the duty to inform the other conservator of the children if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of sixty-day period following the date the final protective order is issued. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; and

5. the duty to inform the other conservator of the children if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

IT IS ORDERED that, during her periods of possession, MORGAN MYERS, as parent temporary joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;

2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;



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3. the right to consent for the children to medical and dental care not involving an invasive procedure; and

4. the right to direct the moral and religious training of the children.

IT IS ORDERED that, during his periods of possession, CHARLES MYERS, as parent temporary joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;

2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;

3. the right to consent for the children to medical and dental care not involving an invasive procedure; and

4. the right to direct the moral and religious training of the children.

IT IS ORDERED that MORGAN MYERS, as a parent temporary joint managing conservator, shall have the following rights and duty:

1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures;

2. the independent right to consent to psychiatric and psychological treatment of the children;

3. the independent right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children;

4. the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children;

5. the independent right to consent to marriage and to enlistment in the armed forces of the United States;

6. the independent right to make decisions concerning the children's education;

7. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children;

8. except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in



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relation to the children's estates if the children's action is required by a state, the United States, or a foreign government;

9. the right, subject to the agreement of the other conservator, to apply for passports for the children, to renew the children's passports, and to maintain possession of the children's passports; and

10. the independent duty to manage the estates of the children to the extent the estates have been created by the community or joint property of the parent.

IT IS ORDERED that CHARLES MYERS, as a parent temporary joint managing conservator, shall have the following rights and duty:

1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures;

2. the independent right to consent to psychiatric and psychological treatment of the children;

3. the independent right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children;

4. the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children;

5. the independent right to consent to marriage and to enlistment in the armed forces of the United States;

6. the independent right to make decisions concerning the children's education;

7. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children;

8. except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in relation to the children's estates if the children's action is required by a state, the United States, or a foreign government;

9. the right, subject to the agreement of the other conservator, to apply for passports for the children, to renew the children's passports, and to maintain possession of the children's passports; and

10. the independent duty to manage the estates of the children to the extent the estates have been created by the community or joint property of the parent.



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Notwithstanding any provision in this order to the contrary, IT IS ORDERED that MORGAN MYERS shall have the exclusive right to enroll the children in school. Each conservator, during that conservator's period of possession, is ORDERED to ensure the children's attendance in the schools in which MORGAN MYERS has enrolled the children.

The Court finds that, in accordance with section 153.001 of the Texas Family Code, it is the public policy of Texas to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child; to provide a safe, stable, and nonviolent environment for the child; and to encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage. IT IS ORDERED that the primary residence of the children shall be within Tarrant County, Texas, and counties contiguous to Tarrant County, Texas, and the parties shall not remove the children from Tarrant County, Texas, and counties contiguous to Tarrant County, Texas for the purpose of changing the primary residence of the children until this geographic restriction is modified by further order of the court of continuing jurisdiction or by a written agreement that is signed by the parties and filed with that court.

Except as expressly provided otherwise in this temporary order, IT IS ORDERED that all information of which a conservator is required to notify the other conservator and all documents and information that a conservator is required to provide to the other conservator shall be sent in the following manner:

- a. delivery to the recipient at the recipient's electronic mail address as follows or to such other electronic mail address subsequently designated by the recipient:

MORGAN MYERS

morganm202@gmail.com



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CHARLES MYERS

chuckdustic12@gmail.com

and in the event of any change in a recipient's electronic mail address, that recipient is ORDERED to notify the other recipient of such change in writing within twenty-four hours after the change.

If a party applies for a passport for the children, that party, is ORDERED to notify the other party of that fact no later than 10 days after the application.

IT IS ORDERED that if a parent's consent is required for the issuance or renewal of a passport, that parent shall provide that consent in writing no later than ten days after receipt of the consent documents, unless the parent has good cause for withholding that consent.

*Possession and Access*

IT IS ORDERED that nothing in this order shall supercede any term of any protective order or condition of bond, probation, or parole.

1. Standard Possession Order

IT IS ORDERED that each conservator shall comply with all terms and conditions of this Standard Possession Order. IT IS ORDERED that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs this Standard Possession Order. IT IS, THEREFORE, ORDERED:

(a) Definitions

1. In this Standard Possession Order "school" means the elementary or secondary school in which the child is enrolled or, if the child is not enrolled in an elementary or secondary school, the public school district in which the child primarily resides.

2. In this Standard Possession Order "child" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

(b) Mutual Agreement or Specified Terms for Possession

IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the parties, and, in the absence of



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mutual agreement, it is ORDERED that the conservators shall have possession of the child under the specified terms set out in this Standard Possession Order.

(c) When Parents Reside 50 Miles or Less Apart

Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides 50 miles or less from the primary residence of the child, CHARLES MYERS shall have the right to possession of the child as follows:

1. Weekends –

On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend.

On weekends that do not occur during the regular school term, beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

3. Thursdays - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday.

4. Spring Vacation in Even-Numbered Years - In even-numbered



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years, beginning at the time the child's school is dismissed and ending at 6:00 P.M. on the day before school resumes after that vacation.

5. Extended Summer Possession by CHARLES MYERS -

With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If CHARLES MYERS does not give MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty consecutive days in that year beginning at 6:00 P.M. on July 1 and ending at 6:00 P.M. on July 31.

Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for CHARLES MYERS, it is expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows:

1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed and ending at 6:00 P.M. on the day before school resumes after that vacation.

2. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of the extended summer possession by CHARLES MYERS in that year, provided that MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. Not later than the fifteenth day before the Friday that begins the designated weekend, CHARLES MYERS must give MORGAN MYERS written notice of the location at which MORGAN MYERS is to pick up and return the child.

3. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year or gives CHARLES MYERS fourteen days' written notice on or after April 16 of a year, MORGAN MYERS may designate one weekend beginning no



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earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by CHARLES MYERS shall not take place in that year, provided that the weekend so designated does not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession.

Notwithstanding the weekend and Thursday periods of possession of CHARLES MYERS, MORGAN MYERS and CHARLES MYERS shall have the right to possession of the child as follows:

1. Christmas Holidays in Even-Numbered Years - In even-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and MORGAN MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and CHARLES MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

4. Thanksgiving in Even-Numbered Years - In even-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday, that parent shall have possession of the child and the child's minor siblings beginning at 6:00 P.M. and ending at 8:00 P.M. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

6. Father's Day - CHARLES MYERS shall have the right to possession of the child each year, beginning at 6:00 P.M. on the Friday preceding



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Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if CHARLES MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from MORGAN MYERS's residence and return the child to that same place.

7. Mother's Day - MORGAN MYERS shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if MORGAN MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from CHARLES MYERS's residence and return the child to that same place.

(d) When Parents Reside More than 50 Miles but 100 Miles or Less Apart

Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides more than 50 Miles but 100 miles or less from the primary residence of the child, CHARLES MYERS shall have the right to possession of the child as follows:

1. Weekends –

On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend.

On weekends that do not occur during the regular school term, beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on



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a Monday during the regular school term, as determined by the school in which the child is enrolled, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 P.M. on that Monday.

3. Thursdays - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday.

4. Spring Vacation in Even-Numbered Years - In even-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.

5. Extended Summer Possession by CHARLES MYERS -

With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If CHARLES MYERS does not give MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty consecutive days in that year beginning at 6:00 P.M. on July 1 and ending at 6:00 P.M. on July 31.

Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for CHARLES MYERS, it is expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows:

1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.



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2. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of the extended summer possession by CHARLES MYERS in that year, provided that MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. Not later than the fifteenth day before the Friday that begins the designated weekend, CHARLES MYERS must give MORGAN MYERS written notice of the location at which MORGAN MYERS is to pick up and return the child.

3. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year or gives CHARLES MYERS fourteen days' written notice on or after April 16 of a year, MORGAN MYERS may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by CHARLES MYERS shall not take place in that year, provided that the weekend so designated does not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession.

(e) Parents Who Reside More Than 100 Miles Apart

Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides more than 100 miles from the residence of the child, CHARLES MYERS shall have the right to possession of the child as follows:

1. Weekends - Unless CHARLES MYERS elects the alternative period of weekend possession described in the next paragraph, CHARLES MYERS shall have the right to possession of the child on weekends beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

Alternate Weekend Possession - In lieu of the weekend possession described in the foregoing paragraph, CHARLES MYERS shall have the right to possession of the child not more than one weekend per month of CHARLES MYERS's choice beginning at 6:00 P.M. on the day school recesses for the weekend and ending at 6:00 P.M. on the day before school resumes after the weekend. CHARLES MYERS may elect an option for this alternative period of weekend possession by giving written notice to MORGAN MYERS within ninety days after the parties begin to reside more than 100 miles apart. If CHARLES MYERS makes this election, CHARLES MYERS shall give MORGAN MYERS



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fourteen days' written or telephonic notice preceding a designated weekend. The weekends chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Mother's Day possession below.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 P.M. on that Monday.

3. Spring Vacation in All Years - Every year, beginning at 6:00 P.M. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.

4. Extended Summer Possession by CHARLES MYERS –

With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for forty-two days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If CHARLES MYERS does not give



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MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for forty-two consecutive days beginning at 6:00 P.M. on June 15 and ending at 6:00 P.M. on July 27 of that year.

Notwithstanding the weekend periods of possession ORDERED for CHARLES MYERS, it is expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows:

1. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of possession by CHARLES MYERS during CHARLES MYERS's extended summer possession in that year, provided that if a period of possession by CHARLES MYERS in that year exceeds thirty days, MORGAN MYERS may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession.

2. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, during which CHARLES MYERS shall not have possession of the child, provided that the period or periods so designated do not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

(f) Holidays

Notwithstanding the weekend and Thursday periods of possession of CHARLES MYERS, except when CHARLES MYERS resides fifty miles or less from the primary residence of the child, MORGAN MYERS and CHARLES MYERS shall have the right to possession of the child as follows:

1. Christmas Holidays in Even-Numbered Years - In even-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and MORGAN MYERS shall have the right to possession of the child beginning at noon on December 28 and ending



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at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and CHARLES MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

4. Thanksgiving in Even-Numbered Years - In even-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday, that parent shall have possession of the child and the child's minor siblings beginning at 6:00 P.M. and ending at 8:00 P.M. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

6. Father's Day - CHARLES MYERS shall have the right to possession of the child each year, beginning at 6:00 P.M. on the Friday preceding Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if CHARLES MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from MORGAN MYERS's residence and return the child to that same place.

7. Mother's Day - MORGAN MYERS shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if MORGAN MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from CHARLES MYERS's residence and return the child to that same place.

(g) Undesignated Periods of Possession

MORGAN MYERS shall have the right of possession of the child at all



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other times not specifically designated in this Standard Possession Order for CHARLES MYERS.

(h) General Terms and Conditions

Except as otherwise expressly provided in this Standard Possession Order, the terms and conditions of possession of the child that apply regardless of the distance between the residence of a parent and the child are as follows:

1. Surrender of Child by MORGAN MYERS - MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the beginning of each period of CHARLES MYERS's possession at the residence of MORGAN MYERS.

If a period of possession by CHARLES MYERS begins at the time the child's school is regularly dismissed, MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the beginning of each such period of possession at the school in which the child is enrolled. If the child is not physically attending school, CHARLES MYERS shall pick up the child at the residence of MORGAN MYERS at 6:00 P.M., and MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the residence of MORGAN MYERS at 6:00 P.M. under these circumstances.

2. Surrender of Child by CHARLES MYERS - CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS at the residence of CHARLES MYERS at the end of each period of possession.

If a period of possession by CHARLES MYERS ends at the time the child's school resumes, CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS at the end of each such period of possession at the school in which the child is enrolled or, if the child is not physically attending school, at the residence of MORGAN MYERS at 6:00 P.M.

3. Surrender of Child by CHARLES MYERS - CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS, if the child is in CHARLES MYERS's possession or subject to CHARLES MYERS's control, at the beginning of each period of MORGAN MYERS's exclusive periods of possession, at the place designated in this Standard Possession Order.

4. Return of Child by MORGAN MYERS - MORGAN MYERS is ORDERED to return the child to CHARLES MYERS, if CHARLES MYERS is entitled to possession of the child, at the end of each of MORGAN MYERS's exclusive periods of possession, at the place designated in this Standard Possession Order.

5. Personal Effects - Each conservator is ORDERED to return with



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the child the personal effects that the child brought at the beginning of the period of possession.

6. Designation of Competent Adult - Each conservator may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a conservator or a designated competent adult be present when the child is picked up or returned.

7. Inability to Exercise Possession - Each conservator is ORDERED to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

8. Written Notice - Written notice, including notice provided by electronic mail or facsimile or as otherwise authorized in this order, shall be deemed to have been timely made if received or, if applicable, postmarked before or at the time that notice is due. Each conservator is ORDERED to notify the other conservator of any change in the conservator's electronic mail address or facsimile number within twenty-four hours after the change.

9. Notice to School and MORGAN MYERS - If CHARLES MYERS's time of possession of the child ends at the time school resumes and for any reason the child is not or will not be returned to school, CHARLES MYERS shall immediately notify the school and MORGAN MYERS that the child will not be or has not been returned to school.

This concludes the Standard Possession Order.

2. Duration

The periods of possession ordered above apply to each child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

*Child Support*

IT IS ORDERED that CHARLES MYERS pay to MORGAN MYERS for the support of

M [REDACTED] MYERS and C [REDACTED] MYERS nine hundred seventy-three dollars and nineteen cents (\$973.19) per month, with the first payment being due and payable on April 1, 2024 and a like payment being due and payable on the first day of each month thereafter until further order of this Court.



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Withholding from Earnings

IT IS ORDERED that any employer of CHARLES MYERS shall be ordered to withhold the child support payments ordered in this order from the disposable earnings of CHARLES MYERS for the support of M [REDACTED] MYERS and C [REDACTED] MYERS.

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of CHARLES MYERS by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full amount of child support ordered paid by this order through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by this order, the balance due remains an obligation of CHARLES MYERS, and it is hereby ORDERED that CHARLES MYERS pay the balance due directly as specified below.

On this date the Court signed an Income Withholding for Support.

Payment

IT IS ORDERED that all payments shall be made through the state disbursement unit at Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, and thereafter promptly remitted to MORGAN MYERS for the support of the children. IT IS ORDERED that all payments shall be made payable to the Office of the Attorney General and include the ten-digit Office of the Attorney General case number (if available), the cause number of this suit, CHARLES MYERS's name as the name of the noncustodial parent (NCP), and MORGAN MYERS's name as the name of the custodial parent (CP). Payment options are found on the Office of the Attorney General's website at [www.texasattorneygeneral.gov/cs/payment-options-and-types](http://www.texasattorneygeneral.gov/cs/payment-options-and-types).



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IT IS ORDERED that each party shall pay, when due, all fees charged to that party by the state disbursement unit and any other agency statutorily authorized to charge a fee.

Change of Employment

IT IS FURTHER ORDERED that CHARLES MYERS shall notify this Court and MORGAN MYERS by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of CHARLES MYERS and the name and address of his current employer, whenever that information becomes available.

Clerk's Duties

IT IS ORDERED that, on the request of a prosecuting attorney, the title IV-D agency, the friend of the Court, a domestic relations office, MORGAN MYERS, CHARLES MYERS, or an attorney representing MORGAN MYERS or CHARLES MYERS, the clerk of this Court shall cause a certified copy of the Income Withholding for Support to be delivered to any employer.

*Medical and Dental Support*

1. IT IS ORDERED that MORGAN MYERS and CHARLES MYERS shall each provide additional child support for each child as set out in this order for as long as the Court may order MORGAN MYERS and CHARLES MYERS to provide support for the child under sections 154.001 and 154.002 of the Texas Family Code. Beginning on the day MORGAN MYERS and CHARLES MYERS's actual or potential obligation to support a child under sections 154.001 and 154.002 of the Family Code terminates, IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are discharged from these obligations with respect to that child, except for any failure by a parent to fully comply with these obligations before that date.



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IT IS FURTHER ORDERED that the additional child support payments for costs of health and dental insurance ordered below are payable through the state disbursement unit or as directed below and subject to the provisions for withholding from earnings provided above for other child support payments.

2. Definitions -

"Health Insurance" means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization or other private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code.

"Reasonable cost" means the total cost of health insurance coverage for all children for which MORGAN MYERS is responsible under a medical support order that does not exceed 9 percent of MORGAN MYERS's annual resources, as described by section 154.062(b) of the Texas Family Code.

"Health-care expenses" include, without limitation, medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges but do not include expenses for travel to and from the provider or for nonprescription medication.

"Health-care expenses that are not reimbursed by insurance" ("unreimbursed expenses") include related copayments and deductibles.

3. Findings on Availability of Health Insurance - Having considered the cost, accessibility, and quality of health insurance coverage available to the parties, the Court finds:

IT IS FURTHER FOUND that the following orders regarding health-care coverage are in the best interest of the children.



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4. Provision of Health-Care Coverage –

As Petitioner's child support, MORGAN MYERS is ORDERED to obtain Medicaid for the children the subject of this suit, and then maintain health insurance for the children as long as child support is payable for that child. MORGAN MYERS is ORDERED –

- a. to provide to each conservator of the children the following information no later than the thirtieth day after she received Medicaid for the children:

- a. MORGAN MYERS' Social Security number;
  - b. Proof that health insurance has been provided for the children;
  - c. The following information and documents:

- i. The name of the health insurance carrier;
  - ii. The number of the policy;
  - iii. A copy of the policy;
  - iv. A schedule of benefits;
  - v. A health insurance membership card;
  - vi. Claim forms; and
  - vii. Any other information necessary to submit a claim; and

- d. To provide each conservator of the children with a copy of any renewals or changes to the health insurance coverage of the children and any additional information regarding health insurance coverage of the children no later than the fifteenth day after MORGAN MYERS receives or is provided with the renewal, change, or additional information;

- e. To notify each conservator of the children of any termination or



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- lapse of health insurance coverage of the children no later than the fifteenth day after the date of the termination or lapse;
- f. After termination or lapse of health insurance coverage, to notify each conservator of the children of the availability to MORGAN MYERS of additional health insurance for the children no later than the fifteenth day after the date the insurance becomes available;
  - g. After termination or lapse of health insurance coverage, to enroll the children in a health insurance plan that is available to MORGAN MYERS at a reasonable cost at the next available enrollment period.

Pursuant to section 1504.051 of the Texas Insurance Code, IT IS ORDERED that if MORGAN MYERS is eligible for dependent health coverage but fails to apply to obtain coverage for the children, the insurer shall enroll the children on application of CHARLES MYERS or others authorized by law.

5. Allocation of Unreimbursed Expenses -

The conservator who incurs a health-care expense on behalf of a child is ORDERED to provide to the other conservator receipts, bills, statements, or explanations of benefits showing the uninsured portion of the health-care expenses within thirty days after the incurring conservator receives them. The nonincurring conservator is ORDERED to pay the non-incurring conservator's percentage of the unreimbursed portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the incurring conservator for any advance payment exceeding the incurring conservator's percentage of the unreimbursed portion of the health-care expenses within thirty days after the nonincurring conservator receives receipts, bills, statements, or explanations of benefits showing the unreimbursed portion of the



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health-care expense.

For the Court to hold the nonincurring conservator in civil or criminal contempt for failing to pay the nonincurring conservator's percentage of the unreimbursed portion of a health-care expense, the incurring conservator must prove beyond a reasonable doubt that the nonincurring conservator personally received receipts, bills, statements, or explanations of benefits reflecting the unreimbursed portion of the health-care expense no later than thirty days after the incurring conservator received them. Even if the incurring conservator fails to meet that burden of proof, the Court may award the incurring conservator a judgment in the nature of child support against the nonincurring conservator in the amount of the unreimbursed portion of the heath-care expense the nonincurring conservator was ordered but fail to pay.

6. WARNING - A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR DENTAL INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE OR DENTAL INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OF THE CHILDREN, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE OR DENTAL INSURANCE HAD BEEN PROVIDED, AND FOR THE COST OF HEALTH INSURANCE PREMIUMS, DENTAL INSURANCE PREMIUMS, OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILDREN.

7. Notice to Employer - On this date a Medical Support Notice was signed by the Court. For the purpose of section 1169 of title 29 of the United States Code, the conservator not carrying the health or dental insurance policy is designated the custodial parent and alternate recipient's representative.



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*No Termination of Orders on Death of Obligee*

An obligation to pay child support under this order does not terminate on the death of MORGAN MYERS but continues as an obligation to M [REDACTED] MYERS and C [REDACTED] MYERS.

*Other Child Related Provisions*

Required Notices

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.

THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF:

- (1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR
- (2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD



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UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR \$100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

Warnings to Parties

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

*Property and Parties*

The Court finds that the following orders respecting the property and parties are necessary and equitable.

IT IS ORDERED that MORGAN MYERS shall be responsible for the timely payment of the following:



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1. The auto insurance for the vehicle in her possession;
2. the monthly payment for her cell phone;
3. the rent payment for the residence located at 6641 Anns Court, Watauga, Texas beginning after March 30, 2024.

IT IS ORDERED that CHARLES MYERS shall be responsible for the timely payment of the following:

1. The auto insurance for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession;
2. the car payments for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession;
3. the monthly payment for his cell phone;
4. the rent payment for the residence located at 6641 Anns Court, Watauga, Texas for February and March 2024.

IT IS ORDERED that Petitioner have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in her possession, the 2007 Mazda motor vehicle currently in her possession, and the residence located at 6641 Anns Court, Watauga, Texas beginning March 30, 2024.

IT IS ORDERED that Respondent have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in his possession, the 2021 Mazda motor vehicle, the 2023 Mazda motor vehicle, and the residence located at 6641 Anns Court, Watauga, Texas ONLY until March 20, 2024.

*Co-Parenting Website*

IT IS ORDERED that the parties are to attend "Children in the Middle" part 1 and/or 2



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by May 1, 2024, and file a certificate of completion with the Court for their attendance to this co-parenting class.

IT IS FURTHER ORDERED that each party shall be solely liable for their own costs for the attendance of this co-parenting class.

*App Close*

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS each shall, within ten days after the entry of the Associate Judge's Report is signed by the Court, obtain at his/her sole expense a subscription to the AppClose program. IT IS FURTHER ORDERED that MORGAN MYERS and CHARLES MYERS each shall maintain that subscription in full force and effect for as long as the child is under the age of eighteen years and not otherwise emancipated.

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS shall each communicate through the AppClose program with regard to all communication regarding the children, except in the case of emergency or other urgent matter.

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS each shall timely post all significant information concerning the health, education, and welfare of the children, including but not limited to the children's medical appointments, the children's schedules and activities, and request for reimbursement of uninsured health-care expenses, on the AppClose website. However, IT IS ORDERED that neither party shall have any obligation to post on that website any information to which the other party already has access through other means, such as information available on the website of the children's schools.

IT IS FURTHER ORDERED that MORGAN MYERS and CHARLES MYERS shall each timely post on the AppClose website a copy of any email received by the party from the



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children's school or any health-care provider of the children, in the event that email was not also forwarded by the school or health-care provider to the other party.

For purposes of this section of this order, "timely" means on learning of the event or activity, or if not immediately feasible under the circumstances, not later than twenty-four hours after learning of the event or activity.

By agreement, the parties may communicate in any manner other than using the AppClose program, but other methods of communication used by the parties shall be in addition to, and not in lieu of, using the AppClose program.

*Temporary Injunction*

The temporary injunction granted below shall be effective immediately and shall be binding on the parties; on their agents, servants, employees, and attorneys; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise. The requirement of a bond is waived.

IT IS ORDERED that Petitioner and Respondent are enjoined from:

1. Intentionally communicating with the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm the other party.
2. Threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party.
3. Placing a telephone call, anonymously, at any unreasonable hour, in an offensive



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BY: /s/ Catherine Saenz

and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party.

4. Intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party.

5. Threatening the other party or a child of either party with imminent bodily injury.

6. Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties with intent to obstruct the authority of the Court to order a division of the estate of the parties in a manner that the Court deems just and right, having due regard for the rights of each party and the children of the marriage.

7. Intentionally falsifying any writing or record, including an electronic record, relating to the property of either party.

8. Intentionally misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.

9. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party.

10. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party.

11. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real



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TARRANT COUNTY, TEXAS  
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property, or intellectual property, and whether separate or community property, except as specifically authorized by this order.

12. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order.

13. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.

14. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.

15. Withdrawing or borrowing money in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party, except as specifically authorized by this order.

16. Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized by this order.

17. Withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policy on the life of either party or a child of the parties, except as specifically authorized by this order.

18. Entering any safe-deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with others.

19. Changing or in any manner altering the beneficiary designation on any life



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insurance policy on the life of either party or a child of the parties.

20. Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed of, any life, casualty, automobile, or health insurance policy insuring the parties' property or persons including a child of the parties.

21. Opening or diverting mail or email or any other electronic communication addressed to the other party.

22. Signing or endorsing the other party's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to the parties or the other party without the personal signature of the other party.

23. Taking any action to terminate or limit credit or charge cards in the name of the parties or the other party, except as specifically authorized in this order.

24. Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary.

25. Destroying, disposing of, or altering any financial records of the parties, including but not limited to a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement.

26. Destroying, disposing of, or altering any email, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

27. Modifying, changing, or altering the native format or metadata of any electronic



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data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

28. Deleting any data or content from any social network profile used or created by either party or a child of the parties.

29. Using any password or personal identification number to gain access to the other party's email account, bank account, social media account, or any other electronic account.

30. Consuming, use or have in their possession any illegal drug or drugs at any time nor shall they have, at any time, a legal drug or drugs in their possession for which that party does not have a prescription.

31. Neither party shall consume alcohol at least 12 hours prior to their time for possession of the children.

32. Neither party shall consume alcohol during their period of possession with the children.

33. Neither party shall attend one of the children's activities if they have consumed alcohol or they are under the influence of alcohol.

34. Neither party shall leave the children with a person who is consuming alcohol at least 12 hours prior to taking possession of the children or has in their possession an illegal drug(s), including prescription drugs, as a childcare provider.

35. No disparaging remarks in the presence of the children and no discussion of litigation or issues of the case with children.

36. The parties are not to discuss the litigation or issues with the children about the other party. The aforementioned sentence means that neither party shall belittle, talk bad, refer to



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the other party using a profane name or names, profanity or curse words.

37. The parties are not to discuss the litigation or issues with the children.

38. Neither party shall discuss what occurred in Court including testimony of any witness or witnesses with the children.

IT IS ORDERED that Petitioner is further enjoined from:

1. Entering, operating, or exercising control over the 2021 Mazda motor vehicle and the 2023 Mazda motor vehicle in the possession of Respondent.

IT IS ORDERED that Respondent is further enjoined from:

1. Excluding Petitioner from the use and enjoyment of the residence located at 6641 Anns Court, Watagua, Texas on or after March 30, 2024;.

2. Entering, operating, or exercising control over the 2007 Mazda motor vehicle in the possession of Petitioner.

IT IS ORDERED that Petitioner is specifically authorized:

To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

IT IS ORDERED that Respondent is specifically authorized:

To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

To make expenditures and incur indebtedness for reasonable attorney's fees and expenses



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in connection with this suit.

For purposes of this order, "personal property" includes, but is not limited to, the following:

- a. cash, checks, traveler's checks, and money orders;
- b. funds on deposit in financial accounts with commercial banks, savings banks, and credit unions;
- c. funds and assets held in brokerage, mutual fund, and other investment accounts;
- d. publicly traded stocks, bonds, and other securities;
- e. stock options and restricted stock units;
- f. bonuses;
- g. closely held business interests;
- h. retirement benefits and accounts;
- i. deferred compensation benefits;
- j. insurance policies, annuities, and health savings accounts;
- k. motor vehicles, boats, airplanes, cycles, mobile homes, trailers, and recreational vehicles;
- l. money owed to one or both parties, including notes and expected income tax refunds;
- m. household furniture, furnishings, and fixtures;
- n. electronics and computers;
- o. antiques, artwork, and collections;
- p. sporting goods and firearms;
- q. jewelry and other personal items;



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- r. pets and livestock;
- s. club memberships;
- t. travel award benefits and other award accounts;
- u. crops, farm equipment, construction equipment, tools, leases, cemetery lots, gold or silver coins not part of a collection, tax overpayments, loss carry-forward deductions, lottery tickets/winnings, stadium bonds, stadium seat licenses, seat options, season tickets, ranch brands, and business names;
- v. digital assets such as email addresses, social network accounts, Web sites, domain names, digital media such as pictures, music, e-books, movies, and videos, blogs, reward points, digital storefronts, artwork, and data storage accounts;
- w. virtual assets such as virtual pets, avatars, accessories for virtual characters, virtual prizes, virtual real estate, and virtual currency;
- x. safe-deposit boxes and their contents;
- y. storage facilities and their contents; and
- z. contingent assets.

*Duration*

These Temporary Orders shall continue in force until the signing of the Final Decree of Divorce or until further order of this Court.

SIGNED on March 14, 2024

*Associate* *R* JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

MARX ALTMAN & JOHNSON



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TARRANT COUNTY, TEXAS  
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2905 Lackland Rd.  
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By:  

Cooper L. Carter  
Attorney for Petitioner  
State Bar No. 24121530  
[coopercarter@majadmin.com](mailto:coopercarter@majadmin.com)

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669 Airport Freeway  
Suite 307  
Hurst, TX 76053  
Office Phone: (817)498-4105  
Fax: (817)282-0634

By: 

Daniel Bacalis  
Attorney for Respondent  
State Bar No. 01487550  
[dbacalis@dbacalis.com](mailto:dbacalis@dbacalis.com)

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

MORGAN MYERS  
PETITIONER

CHARLES MYERS  
RESPONDENT



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Associated Case Party: MORGANMICHELLEMYERS

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|----------------------|-----------|---------------------------|----------------------|--------|
| MORGAN MICHELLEMYERS |           | morganmw02@gmail.com      | 3/26/2024 3:19:25 PM | SENT   |
| Cooper L.Carter      |           | coopercarter@majadmin.com | 3/26/2024 3:19:25 PM | SENT   |

Associated Case Party: CHARLESDUSTINMYERS

| Name             | BarNumber | Email                   | TimestampSubmitted   | Status |
|------------------|-----------|-------------------------|----------------------|--------|
| Daniel Bacalis   |           | service@dbacalis.com    | 3/26/2024 3:19:25 PM | SENT   |
| Tammy L.Johnson  |           | tjohnson@dbacalis.com   | 3/26/2024 3:19:25 PM | SENT   |
| Daniel R.Bacalis |           | dbacalis@dbacalis.com   | 3/26/2024 3:19:25 PM | SENT   |
| CHARLES MYERS    |           | chuckdustin12@gmail.com | 3/26/2024 3:19:25 PM | SENT   |



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TAB 5  
Exhibit E  
Denial of Relator's Motion to  
Vacate 03/14/24

322<sup>ND</sup> FAMILY DISTRICT COURT  
ASSOCIATE JUDGE'S REPORT  
FOR TEMPORARY ORDERS

CAUSE NUMBER: 322 - 744263-23

ITMOTMO/INRE/ITIO

Myers

§  
§  
§  
§  
§

IN THE DISTRICT COURT  
TARRANT COUNTY, TEXAS  
322<sup>ND</sup> JUDICIAL DISTRICT

1. IT is ordered that Movant's motion for to Vacate is denied.
2. It is ordered that Movant shall provide Mrs. <sup>myers'</sup> attorney with a list of the technology he needs from the marital home, for his business.
3. It is ordered that the parties shall present a the <sup>signed</sup> temporary orders by regarding the ACR ~~filed~~ on 2/11/2024 by 1:30pm today.

Approved as to form

Cory

Attorney for Petitioner

Attorney for Respondent

~~Court Notes that Respondent would not sign this report  
as to form. He did agree that paragraphs 1 & 3 correctly  
Petitioner reflected the Court's ruling after a hearing.  
SO ORDERED: He did not agree the Paragraph 2 accurately  
reflected the Court's ruling, but provided no alternative  
Associate Judge long way, therefore the Court signed this  
report.~~

3/14/22  
Date

Associate Judge

Page \_\_\_\_\_ of \_\_\_\_\_

200 East Weatherford Street  
Fort Worth, Texas 76196



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Filing Description: First Amended Motion for Rehearing

Status as of 9/16/2024 8:07 AM CST

### Case Contacts

| Name          | BarNumber | Email                   | TimestampSubmitted   | Status |
|---------------|-----------|-------------------------|----------------------|--------|
| CHARLES MYERS |           | CHUCKDUSTIN12@GMAIL.COM | 9/15/2024 5:58:10 PM | SENT   |