

NO. 322-744263-23
IN THE 322ND DISTRICT COURT OF TARRANT COUNTY, TEXAS

Morgan Michelle Myers,

Petitioner,

v.

Charles Dustin Myers,

Respondent

AND IN THE INTEREST OF
M.E.M and C.R.M., two minor children

2025-03-14

NOTICE OF SUBMISSION

TO THE HONORABLE COURT:

Notwithstanding the procedural pitfalls of this case, Respondent, CHARLES DUSTIN MYERS, requests the court to take judicial notice of the following undisputed facts and grant summary judgment in his favor without delay.

Given the case's procedural status, this notice alongside the Summary Judgment and proposed order should be forwarded immediately to Daivd L. Evans. Respondent is entitled to relief as a matter of law for the foregoing reasons:

I. INTRODUCTION

1. On December 14th, 2023, Morgan Michelle Myers, Petitioner in this matter, requested an emergency ex-parte order of protection from this court claiming an emergency was present.

2. On December 15th, 2023, Morgan Michelle Myers took \$1,576 from the marital estate and transferred it to a third party, Dan Branthoover, to conceal its' final destination and to prevent Respondent from accessing the marital funds.

Virtual Wallet Spend Statement		
For 24-hour information, sign on to PNC Bank Online Banking: on.pnc.com		
Account Number: [REDACTED]	- continued	For the period 12/02/2023 to 01/02/2024 CHARLES MYERS Primary account number: [REDACTED]-8826 Page 4 of 6
Banking/Debit Card Withdrawals and Purchases		
- continued		
Date	Amount	Description
12/15	1.33	3117 Debit Card Purchase Paypal *dkb575
12/18	1,576.00	3117 Debit Card Purchase Paypal *Dmb575
12/18	10.65	3117 Recurring Debit Card Microsoft*Xbox Game P

3. On December 17th, 2023, while in Oklahoma, the Petitioner instigated an eviction proceeding by having her grandmother serve the Respondent with an eviction notice stating the following grounds for eviction:

- i. Granddaughter getting divorced.
- ii. Protective order filed.
- iii. He must leave, she and the children must stay.

for eviction of Plaintiff's premises (including storerooms and parking areas) located in the above precinct. The address of the property is:

6641 Anne Ct. Watauga TX 76148

Street Address Unit No. (if any) City State Zip

GROUND(S) FOR EVICTION: Plaintiff alleges the following ground(s) for eviction:

☐ **Unpaid rent.** Defendant(s) failed to pay rent for the following time period(s): _____. The amount of rent claimed as of the date of filing is: _____. Plaintiff reserves the right to orally amend the amount at trial to include rent due from the date of filing through the date of trial.

☒ **Other lease violations.** Defendant(s) breached the terms of the lease (other than by failing to pay rent) as follows: _____

Morgan Myers has filed with the court for divorce from Charles Myers.

Morgan Myers has also filed a protective order against Charles Myers with the court.

Morgan Myers and the children will be allowed to stay at the property.

☐ **Holdover.** Defendant(s) are unlawfully holding over by failing to vacate at the end of the rental term or renewal of extension period, which was the _____ day of _____, _____.

NOTICE TO VACATE: Plaintiff has given Defendant(s) a written notice to vacate (according to Chapter 24.005 of the Texas Property Code) and demand for possession. Such notice was delivered on the 17th day of December, 2023 by this method:

Hand delivered to Charles Myers

SUIT FOR RENT: Plaintiff ☐ does or ☒ does not include a suit for unpaid rent.

ATTORNEY'S FEES: Plaintiff ☐ will be or ☒ will not be seeking applicable attorney's fees.

The attorney's name, address, phone and fax numbers are: _____



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TE
BY: /s/ Catherine Saenz

3. The eviction notice referenced a Protective Order that wasn't filed until December 22nd, 2023, showing clear collaboration and planning regarding the narrative for protection.

4. On December 18th, 2023, Petitioner filed for divorce, filed a statement of inability to afford court costs, and claimed that the case was uncontested. Despite claiming in the Petition that she had sought an emergency ex-parte order of

protection on December 14th, 2023, she also claimed that an active order of protection already was in effect against Respondent.

9B. Pending Protective Order

- ☒ I have filed paperwork at the courthouse asking for a protective order against my spouse, but a judge has not decided if I should get it. I asked for a protective order on 12/14/2023
Date Filed
In Tarrant County, Texas. The cause number is _____
County State Cause Number
If I get a protective order, I will file a copy of it before any hearings in this divorce.
- ☐ My spouse has filed paperwork asking for a protective order against me, but a judge has not decided if my spouse will get it. My spouse asked for a protective order on _____
Date Filed
in _____ County, _____. The cause number is _____
County State Cause Number
If my spouse gets a protective order, I will file a copy of it before any hearings in this divorce.

9C. Protective Order in Place

- ☐ I do have a protective order against my spouse. I got the protective order in _____
County, _____ State _____ on _____
County State Date Ordered
The cause number for the protective order is _____
Cause Number
Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this divorce.
- ☐ My spouse does have a protective order against me. The protective order was made in _____
County, _____ State _____ on _____
County State Date Ordered
The cause number for the protective order is _____
Cause Number
Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this divorce.

10. Waiver of Waiting Period Based on Family Violence (Check only if applicable.)

- ☒ I ask the Court to waive the 60-day waiting period for divorce because: (Check one box.)
- ☐ My spouse has been convicted of or received deferred adjudication for a crime involving family violence against me or a member of my household.
- ☒ I have an active protective order or an active magistrate's order for emergency protection against my spouse because of family violence during our marriage. The order includes a finding that my spouse committed family violence.



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

5. Further, notwithstanding the fabricated active protective order, Petitioner's deception went further when she fraudulently submitted her affidavit of inability to pay court fees when she claimed to be responsible for the 2023 MAZDA CX-5 payments, rent payments for the residence located at 6641 Anne Court, Watauga, Texas, 7648, and misrepresented her financial status regarding available funds in her checking account.

6. What is the value of your assets or property? ¿Cuál es el valor de sus bienes o propiedades?	
My property includes: Mis bienes incluyen:	Value / Valor The value is the amount the item would sell for less the amount you still owe on it, if anything. El valor de sus bienes es la cantidad por la que la propiedad o pertenencia se vendería, menos el monto que aún se adeuda, si lo hubiera.
➤ Cash Dinero en efectivo	\$ 0
➤ Bank accounts, other financial assets Cuentas bancarias, otros bienes financieros	
CHASE BANK	\$ 21.00
	\$
	\$
➤ Cars and boats (make and year) Automóviles, lanchas (modelo y año)	
MAZDA CX5 2023	\$ 451.00 / MONTH
	\$
	\$

5. Since late 2021, the Respondent had made timely rent payments to Margie Wilson, the undersigned in the eviction suit, as evidenced below.

Time	Transaction ID	Amount
Mar 6, 2024, 6:24 AM	B.F838-4AD8-299D-A754	1,000.00
Mar 1, 2024, 6:23 PM	B.397E-D5A0-1447-5269	800.00
Feb 1, 2024, 10:35 AM	B.D5FF-4E63-A729-3538	800.00
Jan 1, 2024, 1:39 PM	B.2919-114A-3B1A-867C	500.00
Jan 1, 2024, 7:21 AM	B.72F8-B8B5-6E06-BBEA	800.00
Dec 3, 2023, 6:35 PM	B.E493-17A2-F32E-1A61	800.00
Dec 3, 2023, 2:42 AM	B.7F3D-B8A3-029E-EA2E	800.00
Oct 3, 2023, 8:10 AM	B.4667-8346-2080-6A01	800.00
Oct 1, 2023, 10:15 AM	B.95FD-F5F1-D0C0-EBB5	800.00
Sep 1, 2023, 11:59 AM	B.F434-CEDD-265B-D08D	800.00
Sep 1, 2023, 8:40 AM	B.26A3-87A4-19DF-6195	60.00
Aug 27, 2023, 10:54 AM	B.416D-E2EE-7296-5EDE	40.00
Aug 22, 2023, 12:19 PM	B.C6C2-BFFB-3E53-B8DA	40.00
Aug 1, 2023, 2:57 PM	B.5717-2883-FEE4-DD45	800.00
Jul 1, 2023, 1:35 PM	B.2467-3EE2-33DE-4124	800.00
Jun 29, 2023, 12:15 AM	B.FF21-A34D-E1E7-2A22	100.00
Jun 24, 2023, 6:16 AM	B.A94E-2B54-D61F-2697	60.00
Jun 20, 2023, 9:11 AM	B.E11D-2223-3858-EA1F	40.00
Jun 14, 2023, 7:10 PM	B.018D-EE3A-D26B-D2EB	800.00
Jun 1, 2023, 3:32 PM	B.8C04-4082-F2F8-77C5	800.00
May 8, 2023, 12:34 PM	B.9FC7-47F9-038C-532B	800.00
May 8, 2023, 12:30 PM	B.6E24-85CB-4B44-7AB7	800.00
May 5, 2023, 6:00 PM	B.FC35-DAA0-F22D-746E	800.00
May 1, 2023, 12:48 PM	B.43D2-A5D2-0775-EE4D	800.00
Apr 1, 2023, 8:15 PM	B.C3D6-A2E1-3EDF-1339	800.00

5. Rent was paid by the Respondent leading up to the day of his unlawful lockout by the Petitioner which occurred on March 6, 2024, when she ran inside the home while Respondent was walking the children to school.

II. THE CURRENT ORDERS

6. On February 1st, 2024, the parties entered into an agreement which was signed as to form and substance by both parties through their attorneys of record.

7. As part of the agreement, the following provisions were ordered:

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.

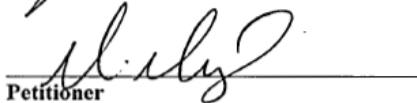
AGREED AS TO FORM AND SUBSTANCE



Attorney for Petitioner



Attorney for Respondent

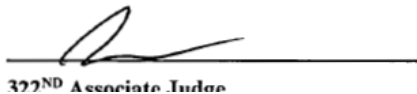


Petitioner



Respondent

SO, ORDERED:



372ND Associate Judge

8. Immediately after signing the above agreement, the Respondent strategically terminated his legal representation due to the absurdity of settling and allowing the Petitioner to leverage her claims.

9. Most disturbing is that this settlement agreement permitted the Petitioner to *remove her children from their own home for an entire month* – a clear disregard for their well being – *and the court signed off on this.*

10. Further, this agreement was challenged via a motion to reconsider which was denied on March 14th, 2024, but Judge Kaitcer.

11. To date, no findings of fact or conclusions of law have been issued regarding this ruling despite notifying the court that they are past-due.

12. At the hearing on March 14th, 2024, the docket reflects only the Respondent appearing before the court.

13. Just prior to the hearing, Respondent was served the current orders by COOPER L. CARTER, not DAN BACALIS, just minutes before the hearing was to commence that was filed to challenge them.

14. Despite the agreement stating that a typed written order *shall* be prepared by Dan Bacalis, despite the 20 day time limit, and despite the five day review period that all parties and Judge Kaitcer agreed to - the orders were permitted to be prepared at the last minute by COOPER L. CARTER, well after the 20-day deadline, and despite the Respondent's consent not being present, he was ordered to sign the agreement in violation of Texas Law by 1:30 P.M. that same day.

322ND FAMILY DISTRICT COURT
322-744263-23
ASSOCIATE JUDGE'S REPORT
FOR TEMPORARY ORDERS

FILED
TARRANT COUNTY
3/26/2024 3:19 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NUMBER: 322 - 744263-23

ITMOTMO/INRE/ITIO

Myers

§
§
§
§
§

IN THE DISTRICT COURT
TARRANT COUNTY, TEXAS
322ND JUDICIAL DISTRICT

1. IT is ordered that Movant's motion for to vacate is denied.
2. It is ordered that Movant shall provide Mrs. ^{myers'} ~~Myers~~ 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 Temporary orders ~~by~~ regarding the ACR ^{signed} ~~filed~~ on 2/11/2024 by 1:30pm today.

15. The above order clearly shows two distinct handwritings – one from COOPER L. CARTER, and one from Judge Kaitcer – ‘for his business’ – showing a pre-determined outcome.

III. CONCLUSION

16. There is no doubt that this matter is filled with deception and unethical practices. The Petitioner, in an effort to conceal her marital affair, had no problem taking her own children out of their home, falsifying her financial status after converting funds from the marital estate with the assistance of a third party,

claiming financial responsibility over property paid for by the Respondent, fabricating the existence of protective orders, instigating frivolous eviction suits, and falsifying the need for protection.

17. On December 22, 2023, Petitioner filed for a protective order despite already claiming to have one in effect in her original petition for divorce, yet text evidence clearly shows the Petitioner at home with Respondent on this same day – showing no need of protection as they continued to cohabit up until January 16th, 2024.

18. There exists no legal basis for the court's continued stonewalling.

19. Therefore, continued disregard for the well-being of the Children and Respondent's rights must cease.

20. Issue relief by granting summary judgment in Respondent's favor without delay.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
6641 ANNE COURT, WATAUGA TEXAS 76148
CHUCKDUSTIN12@GMAIL.COM
817-546-3693
PRO-SE

CERTIFICATE OF SERVICE

Pursuant to Rule 21 of the Texas Rules of Civil Procedure, Respondent, CHARLES DUSTIN MYERS, certifies that this NOTICE OF SUBMISSION has been filed with the electronic filing manager and served on the parties of record on this 14th day of March 2025, including:

COOPER L. CARTER, counsel for petitioner, at the email address

COOPERCARTER@MAJADMIN.COM

MORGAN MICHELLE MYERS, petitioner, at the email address

MORGANMW02@GMAIL.COM

HOLLY HAYES, intervenor, at the email address

csd-legal-914@oag.texas.gov

Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

CHUCKDUSTIN12@GMAIL.COM

6641 Anne Court, Watauga, Texas 76148

817-546-3693

PRO SE

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.

Envelope ID: 98476436

Filing Code Description: Notice

Filing Description: NOTICE OF SUBMISSION

Status as of 3/17/2025 8:14 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	3/14/2025 1:21:50 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	3/14/2025 1:21:50 PM	SENT
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	3/14/2025 1:21:50 PM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/14/2025 1:21:50 PM	SENT