

**NO. 322-744263-23**

<b>IN THE MATTER OF</b>	<b>§ IN THE DISTRICT COURT</b>
<b>THE MARRIAGE OF</b>	<b>§</b>
<b>MORGAN MYERS</b>	<b>§</b>
<b>AND</b>	<b>§ 322ND JUDICIAL DISTRICT</b>
<b>CHARLES MYERS</b>	<b>§</b>
<b>AND IN THE INTEREST OF</b>	<b>§</b>
<b>MARA MYERS AND CAROLINE</b>	<b>§ TARRANT COUNTY, TEXAS</b>
<b>MYERS, CHILDREN</b>	

**FIRST AMENDED PETITION FOR DIVORCE****1. Discovery Level**

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

**2. Parties**

This suit is brought by MORGAN MYERS, Petitioner.

CHARLES MYERS is Respondent.

**3. Domicile**

Petitioner has been a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period.

**4. Service**

No service on Respondent is necessary at this time.

**5. Protective Order Statement**

An application for a protective order under title 4 of the Texas Family Code is pending with regard to a party. The application for protective order was filed in December 22, 2023 in the 322<sup>nd</sup> Judicial District Court in Cause No. 322-744538-23.

6. *Dates of Marriage and Separation*

The parties were married on or about July 20, 2015, and ceased to live together as spouses on or about December 1, 2023.

7. *Grounds for Divorce*

The marriage has become insupportable because of discord or conflict of personalities between Petitioner and Respondent that destroys the legitimate ends of the marriage relationship and prevents any reasonable expectation of reconciliation.

8. *Children of the Marriage*

Petitioner and Respondent are parents of the following children of this marriage who are not under the continuing jurisdiction of any other court:

Name: MARA MYERS

Sex: female

Birth date: 06/20/2016

Name: CAROLINE MYERS

Sex: female

Birth date: 04/12/2018

There are no court-ordered conservatorships, court-ordered guardianships, or other court-ordered relationships affecting the children the subject of this suit.

Information required by section 154.181(b) and section 154.1815 of the Texas Family Code will be provided at a later date.

No property of consequence is owned or possessed by the children the subject of this suit.

Petitioner and Respondent, on final hearing, should be appointed joint managing conservators. Petitioner requests the Court to apportion the rights and duties of a parent set out in

section 153.132 of the Texas Family Code.

Petitioner should be designated as the conservator who has the exclusive right to designate the primary residence of the children. Respondent should be ordered to provide support for the children, including the payment of child support and medical and dental support in the manner specified by the Court. Petitioner requests that the payments for the support of the children survive the death of Respondent and become the obligations of Respondent's estate.

*9. Division of Community Property*

Petitioner believes Petitioner and Respondent will enter into an agreement for the division of their estate. If such an agreement is made, Petitioner requests the Court to approve the agreement and divide their estate in a manner consistent with the agreement. If such an agreement is not made, Petitioner requests the Court to divide their estate in a manner that the Court deems just and right, as provided by law.

*10. Separate Property*

Petitioner owns certain separate property that is not part of the community estate of the parties, and Petitioner requests the Court to confirm that separate property as Petitioner's separate property and estate.

*11. Request for Temporary Orders and Injunction*

Petitioner requests the Court, after notice and hearing, to dispense with the issuance of a bond, to make temporary orders and issue any appropriate temporary injunctions for the preservation of the property and protection of the parties as deemed necessary and equitable. Petitioner requests that the Court enjoin Respondent from the following:

1. Communicating with Petitioner in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic

messaging, in vulgar, profane, obscene, or indecent language or in a coarse or offensive manner.

2. Threatening Petitioner 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.

3. Placing one or more telephone calls, anonymously, at any unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication.

4. Causing bodily injury to Petitioner or to a child of either party.

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

6. Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.

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

8. Misrepresenting or refusing to disclose to Petitioner 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. Damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.

10. Tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss to Petitioner.

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 property, or intellectual property, and whether separate or community property, except as specifically authorized by order of this Court.

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

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

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

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 order of this Court.

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 order of this Court.

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 the parties' children, except as specifically authorized by order of this Court.

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 insurance policy on the life of either party or the parties' children.

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 the parties' children.

21. Opening or diverting mail or e-mail or any other electronic communication addressed to Petitioner.

22. Signing or endorsing Petitioner'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 Petitioner without the personal signature of Petitioner.

23. Taking any action to terminate or limit credit or charge cards in the name of Petitioner.

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 e-mail, 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 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 the parties' children.

29. Using any password or personal identification number to gain access to Petitioner's e-mail account, bank account, social media account, or any other electronic account.

30. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, including security, pest control, landscaping, or yard maintenance, at the home in which she current resides or in any manner attempting to withdraw any deposits for service in connection with any of those services.

31. Excluding Petitioner from the use and enjoyment of the residence in which she currently resides.

32. Entering, operating, or exercising control over any motor vehicle in the possession of Petitioner.

1. Tracking or monitoring personal property or a motor vehicle in the possession of Petitioner, without Petitioner's effective consent, including by using a tracking application on a personal electronic device in the possession of Petitioner, using a tracking device, or physically following Petitioner or causing another to physically follow Petitioner.

Petitioner requests that Respondent be authorized only as follows:

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.

*13. Request for Temporary Orders Concerning Use of Property*

Petitioner requests the Court, after notice and hearing, for the preservation of the property

and protection of the parties, to make temporary orders and issue any appropriate temporary injunctions respecting the temporary use of the parties' property as deemed necessary and equitable, including but not limited to the following:

Awarding Petitioner the exclusive use and possession of the residence in which she currently resides, as well as the furniture, furnishings, and other personal property at that residence, while this case is pending, and enjoining Respondent from entering or remaining on the premises of the residence and exercising possession or control of any of this personal property, except as authorized by order of this Court.

Awarding Petitioner exclusive use and control of any motor vehicle in her possession and enjoining Respondent from entering, operating, or exercising control over it.

*14. Request for Temporary Orders Regarding Children*

Petitioner requests the Court, after notice and hearing, to dispense with the necessity of a bond and to make temporary orders and issue any appropriate temporary injunctions for the safety and welfare of the children of the marriage as deemed necessary and equitable, including but not limited to the following:

Appointing Petitioner and Respondent temporary joint managing conservators, and designating Petitioner as the conservator who has the exclusive right to designate the primary residence of the children. Petitioner requests the Court to apportion the rights and duties of a parent set out in section 153.132 of the Texas Family Code.

*15. Request for Permanent Injunction*

Petitioner requests the Court, after trial on the merits, to grant the following permanent injunction:

*16. Attorney's Fees, Expenses, Costs, and Interest*

It was necessary for Petitioner to secure the services of Cooper L. Carter, a licensed attorney, to prepare and prosecute this suit. To effect an equitable division of the estate of the parties and as a part of the division, and for services rendered in connection with conservatorship and support of the children, judgment for attorney's fees, expenses, and costs through trial and appeal should be granted against Respondent and in favor of Petitioner for the use and benefit of Petitioner's attorney and be ordered paid directly to Petitioner's attorney, who may enforce the judgment in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

17. *Prayer*

Petitioner prays that citation and notice issue as required by law and that the Court grant a divorce and all other relief requested in this petition.

Petitioner prays that the Court, after notice and hearing, grant a temporary injunction enjoining Respondent, in conformity with the allegations of this petition, from the acts set forth above while this case is pending.

Petitioner prays that, on final hearing, the Court enter a permanent injunction enjoining Respondent, in conformity with the allegations of this petition, from the acts set forth above.

Petitioner prays for attorney's fees, expenses, and costs as requested above.

Petitioner prays for general relief.

Respectfully submitted,

MARX ALTMAN & JOHNSON  
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By:/s/ *Cooper L. Carter*

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Attorney for Petitioner

## **Automated Certificate of eService**

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Roderick Marx on behalf of Cooper Carter

Bar No. 24121530

MAJFIRM@YAHOO.COM

Envelope ID: 84016389

Filing Code Description: Amended Filing

Filing Description: FIRST AMENDED PETITION FOR DIVORCE

Status as of 2/1/2024 11:35 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	1/31/2024 5:08:20 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	1/31/2024 5:08:20 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	1/31/2024 5:08:20 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	1/31/2024 5:08:20 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	1/31/2024 5:08:20 PM	SENT